HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 42442 of 2026

Aims Green Avenue Welfare Association Through
Its President Ashok Kumar Kaushik
.....Petitioner(s)

Versus

State Of Up And 4 Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Lalit Kumar Misra
Counsel for Respondent(s)	:	Anjali Upadhya, C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.

1. Heard Sri Ajay Kumar Srivastava, learned Advocate holding brief of Sri Lalit Kumar Misra, learned counsel for the petitioner, Ms. Ishita Sand, learned Advocate along with Ms. Anjali Upadhya, learned counsel for the respondent nos. 3 & 4 as well as learned Standing Counsel.

2. By means of this petition filed under Article 226 of the Constitution, petitioner wants a writ of mandamus to command the respondent no. 2 namely the District Magistrate, Gautam Budh Nagar to decide the claim of the petitioner regarding maintenance of the lift provided in the apartment for the flat owners to use.

3. Upon a pointed query being made, learned counsel for the petitioner submits that project is still underway, however Residents Welfare Association has come into existence with registration under the Societies Registration Act.

4. Per contra Ms. Sand submitted that the petitioner can approach the RERA Authority for getting the obligation of the petitioner enforced under Section 31 of the Act and petitioner can also approach the District Magistrate under the U.P. Lifts and Escalators Act, 2024. The question now arises as to whether the maintenance of the flats have been handed over to the residents welfare association or not and in the event if it is not, then if there is no tripartite agreement, petitioner may invoke the power of RERA under Section 31 of the RERA Act, 2016 as has been placed

before us and it is alleged that petitioner may also approach the District Magistrate under U.P. Lifts and Escalators Act, 2024.

5. Petitioner's counsel could not place before the Court any tripartite agreement reached between between the allottees, builder/ developer and RERA Authority.

6. Since the project is yet not completed, we direct the petitioner to approach the RERA Authority under Section 31 of the RERA Act, 2016 to get the power invoked as vested with the authority under Section 34 regarding compliance of the obligation cast upon the promotees. We further provide that in the event any such application is filed within four weeks, the RERA would proceed to decide and dispose of the matter within next two months' time in accordance with law.

7. With these above observations and directions, this petition stands disposed of.

(Garima Prashad,J.) (Ajit Kumar,J.)

October 27, 2026
IrfanUddin

Digitally signed by :-
IRFAN UDDIN SIDDIKI
High Court of Judicature at Allahabad