

Vivek Sehgal And Another vs State Of U.P. And 2 Others on 1 May, 2025

Author: Manoj Kumar Gupta

Bench: Manoj Kumar Gupta

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68768-DB

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(Sl. No.58)

Court No. - 21

Case :- WRIT - C No. - 9038 of 2025

Petitioner :- Vivek Sehgal And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Piyush Patel

Counsel for Respondent :- Anjali Upadhyay,C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Dr. Charu Mishra, Sri Praveen Pathak and Sri Vivekanand Jha, learned counsel for the petitioners, Sri Shivam Yadav, learned counsel for respondent no.3 and learned Standing Counsel appearing for the State respondents.

2. The prayer made in the instant petition is for issuing a writ of mandamus directing the respondents to properly compute one time lease rent as per the stipulations in sub-lease deed dated 06.10.2016 and for a further direction to the respondents to act as per the law.

3. According to the petitioners the sublease gave option to the petitioners to deposit lease rent equivalent to 11 years in lump sum within ten years, at the prevalent rate and in which event no further annual lease rent would be payable. The petitioners have exercised the option within ten years, but the computation provided to them is erroneous.

4. Sri Shivam Yadav, learned counsel appearing for the respondent Authority points out that the petitioner vide notice dated 06.01.2025 has already requested the State Government to decide the representation filed in this regard by the petitioners under Section 41(3) of U.P.Urban Planning and Development Act, 1973 (in short the 'Act') expeditiously and restrain the Authority from charging interest on the amount computed as lease rent in contravention of the specific stipulations in the sub-lease deed.

5. As it is not disputed before us that the representation of the petitioners under Section 41(3) of the Act is pending consideration before the State Government, therefore, at this stage, we decline to examine the issue and dispose of the instant petition with direction to respondent no.1 to take decision on the representation of the petitioners dated 20.02.2024 within eight weeks from the date of communication of the instant order. The demand of lease rent would abide by the decision that would be taken by the respondent no.1 on the representation of the petitioners.

Order Date :- 1.5.2025 Ashish Pd.

(Anish Kumar Gupta,J.) (Manoj Kumar Gupta,J.)