



2025:AHJ-1 KO:8473-124

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 7147 of 2022

Kuldeep

.....Petitioner(s)

Versus

State Of U.P. Thru Prin Secy Urban
Development Civil Sectt Bapu Bhawan Lko And
Another

.....Respondent(s)

Counsel for Petitioner(s) : Sadhu Sharan Chaubey, In Person,
Kuldeep (In Person), Madan Gopal
Tripathi, Pawan Kumar Pandey,
Rajesh Kumar Singh

Counsel for Respondent(s) : C.S.C.

Court No. - 2

**HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. We have heard the petitioner Kuldeep, in person, and the learned Additional Chief Standing Counsel Shri Nishant Shukla, who appears on behalf of the State-respondents.

2. This petition has been filed with the following prayers:-

" i) Issue a writ, order or direction in the nature of certiorari thereby quashing of the impugned Notification No 2801/ 9-1-2022 -40 T.A. / 22 dated September 22, 2022 issued by opposite party no 1 which has been published in Daily News paper "Aaj" on 24.09.2022, (as contained in annexure No 1 to this petition) and also quashing of the govt. order no 2458 / 9-1-2022-40 T. A. / 22 dated September 4, 2022 whereby rejecting the claim of the petitioner by disposing the objections which was invited and moved by the petitioner pursuant to draft notification dated July 19, 2022 after summoning to its original from the opposite parties, in the interest of justice.

ii) Issue a writ, order or direction in the nature of mandamus thereby commanding the opposite parties not to create / constitute the Nagar Panchayat, Khemsepur, as Village Panchayat Khemsepur, Madanpur, Kanhepur, Nagla Bagh Rathaura and Nandsha, Block Mohamadabad, Tehsil Sadar, Farrukhabad, District Farrukhabad

which do not fulfill any transitional conditions as required in the Government order No. 2979/9-1-2016-426 Sa/14, dated 06, October, 2016 as well as the condition provided in Article 243-Q of the Constitution of India, in order to secure ends of justice."

3. It is the case of the petitioner that the Opposite party no.1 proposed to declare five villages of District Farrukhabad namely Khemsepur, Madanpur, Kanheypur, Nagla Bagh Rathaura and Nandsha, as one Nagar Panchayat for which it issued to a provisional Notification inviting objections. It has been submitted that prior to said provisional Notification a Government Order had been issued on 16.10.2016 laying down the standards which would govern Notification of Village Panchayat into Nagar Panchayats, copy of such Notification dated 06.10.2016 has been filed as Annexure No.2 to the petition. Four main points relating to the standards to be met for Village / Rural Area to be declared a Nagar Panchayat/ Urban Area as per the Government Order dated 06.10.2016 are firstly that the population of such Village/ Area should be more than 20,000 in the plains and more 10,000 in the Hill Area. Secondly, more than 75% of the population of the Area concerned should be engaged in non-agricultural occupations. Thirdly, there should be no road connectivity facilitating transportation and conveyance and fourthly, the Area concerned should have civic amenities like Police Station, a Block Development Office, Shopping/ Trade Complexes, Schools, Health Centers, Electricity, Bank, Post Office and other facilities which are usually found in Urban areas.

4. Consequent, to the standards as fixed in the Government Order dated 06.10.2016, the area proposed to be included i.e. Villages Khemsepur, Madanpur, Kanheypur, Nagla Bagh Rathaura and Nandsha were inspected. The petitioner is aggrieved by inclusion of Village Khemsepur in the Notification for Nagar Panchayat as the Tehsildar has submitted a report, copy of which has been filed as Annexure-4 to the writ petition saying that as per 2011 census village Khemsepur has total population of 5873 only, the population of the Village is mainly occupied in agricultural operations. The Transport is facilitated by Etawah-Bareilly Highway and although there is no Police Station, no Block Development Office, no Trade/ Shopping Complex, there is a School, a Health Center, Electricity, Post Office

and Bank in Village Khemsepur.

5. The report of the Tehsildar was ignored.

6. The petitioner, who is a member of Village Panchayat Khemsepur, had separately filed his objections to the provisional Notification issued by the Government, his objections were also not considered. The petitioner apprehending that his objections shall not be considered had also approached this Court in Writ-C No.6546 of 2022 [**Kuldeep Vs. State of U.P. and Another**] where this Court had rejected the writ petition as premature on the ground that final Notification had not been issued with the observation that the pending objections filed by the petitioner shall be considered and decided in accordance with relevant Rules. A copy of the order dated 23.09.2022 has been filed as Annexure No.11 to the petition.

7. However, when the petitioner went to the Office of the Respondent to serve a copy of the order dated 23.09.2022, he was informed that Final Notification had already been issued on 22.09.2022.

8. It has been submitted that Village Khemsepur does not possess any of the facilities as mentioned in the Government Order dated 06.10.2016 and, therefore, the Notification dated 22.09.2022 be quashed by this Court.

9. When the writ petition was taken up as fresh, alongwith other writ petitions filed by other persons belonging to the five Villages which were proposed to be included in Nagar Panchayat, this Court perhaps give time to the Respondents' counsel to seek instruction in the matter and to file counter affidavit. Thereafter, the matter could not be heard on merits and, later on, such writ petition which were clubbed together were decided initially on 30.09.2022 and 06.11.2023.

10. The order dated 30.09.2022 is being quoted hereinbelow:-

"After arguing at some length, learned counsel for the petitioners prays that the petitioners may be permitted to withdraw this writ petition with liberty to avail the civil remedy open to them under law.

The writ petition is accordingly dismissed as withdrawn with the

liberty as prayed."

11. On 06.11.2023 another batch of writ petition including the petitioner's writ petition was dismissed as infructuous as the Court observed that the petition is with regard to delimitation orders passed for Elections of Nagar Palika Parishad held in the year 2022. The Elections having already been held and results being declared, the writ petition has become infructuous. It is dismissed as such.

12. Such order was passed in Writ-C No.7147 of 2022 i.e. the instant petition also. An application for Recall of order dated 06.11.2023 was filed by the petitioner which was allowed and the order dated 06.11.2023 was recalled and the writ petition is restored to its original number on 20.09.2024.

13. The petitioner appeared on various dates, he also moved an application for amendment in the writ petition. When the matter was listed on 21.07.2025, the Court directed the petitioner to carry out the amendment within one week. However, no such amendment as proposed by amendment application IA No.13 of 2024 was incorporated in the prayer clause by the petitioner.

14. We have perused the Amendment application filed on 10.07.2025 and we find that the only amendment proposed was in the prayer clause by adding the word 'existing Village Panchayat Khemsepur' instead of as Village Panchayat Khemsepur.

15. In the counter affidavit filed by the Respondents to the writ petition way back on 12.12.2022, the Respondents have stated that the petitioner is not entitled for any relief in view of the fact that the Nagar Palika Parishad has already been constituted and Elections have been held for the first time and the case relating to **Shakuntala Devi Vs. State of U.P. and others**, Writ-C No.14031 of 2022 decided on 12.10.2022 is not applicable on the facts of the case. They also stated that under Section 4 of the U.P. Municipalities Act, 1916, a preliminary procedure for issuance of Notification has been given which provides that public notices be published in the District or the Area concerned to enable the General Public of the Area to file objections if they so wish to the proposed Notification. Such provisional Notification was published before the Nagar Panchayat,

out of the area constituting the five Village Panchayats as aforesaid. Objections were invited, such objections were considered. The standards as laid down in the Government Order of 10.11.2014 were further modified by Government Order dated 31.01.2015 and later on, by Government Order dated 23.11.2020.

16. The petitioner has not challenged the Government Order 23.11.2020. It has also been stated that the petitioner cannot be considered to be an aggrieved person and a reference has been made to the judgment rendered by the Hon'ble Supreme Court in the case of ***Meghraj Kothari Vs. Delimitation Commission and others*** reported in AIR 1967 SC 669.

17. When the matter was taken up and heard on merits by this Court, a preliminary objection was raised regarding the maintainability of the petition. The Court noted the arguments raised by the petitioner, who appears in person, in its order dated 30.10.2025 which is being quoted hereinbelow:-

"1. Heard the petitioner in person and Sri Nishant Shukla, learned Additional Chief Standing Counsel for the State Respondents.

2. It is the case of the petitioner that while constituting Nagar Panchayat Khemsepur out of Villages Khemsepur, Madanpur, Kanhepur, Nagla Bagh Rathaura, and Nandsha in Block Mohamadabad, Tehsil- Sadar, District Farrukhabad, the respondents did not take care to follow the guidelines given in the Government Order dated 06.10.2016 and the conditions provided under Article 243(q) of the Constitution of India. A draft notification was published on 19.07.2022. The petitioner as well as Hargovind Singh Yadav(Gram Pradhan of Village Madanpur), Gaurav Pal (Gram Pradhan of Village Nandsha), Sudhir (Gram Pradhan of Village Nagla Bagh Rathaura) and Prem Pal (Member of Chetra Panchayat of Khemsepur) had submitted objections on 27.07.2022 indicating the factual position with regard to their respective Villages Kanhepur, Madanpur, Nandsha, Khemsepur and Nagla Bagh Rathaura, but such objections were not decided and the impugned notification has been issued.

3. Sri Nishant Shukla, learned Additional Chief Standing Counsel for

the State Respondents has informed this Court that several writ petitions were filed and while they remained pending, the Nagar Panchayat elections were held and the Members of the Nagar Panchayat are working. Most of the writ petitions were, thereafter, dismissed as having become infructuous, but four writ petitions including this writ petition have been made pending.

4. Counter affidavits were filed in some writ petitions stating that the objections made to the draft notifications were decided, but the copy of the decision taken on such objections to the draft notification were not annexed with the counter affidavit.

5. Sri Nishant Shukla prays for time to file a supplementary counter affidavit.

6. Let supplementary counter affidavit be filed within two weeks.

7. List this case on 19.11.2025."

18. In pursuance of our order dated 30.10.2025, a supplementary counter affidavit has been filed by the State-respondents wherein it has been stated that after the provisional Notification issued on 19.07.2022 inviting Objections / Suggestions. Three objections were received one was by the petitioner Kuldeep Dixit, Member of Gram Panchayat, Kanheypur, one was by Hargovind Singh Yadav, Gram Pradhan of Village Madanpur, the other was by Gaurva Pal son of Gram Pradhan of Village Nandsha and Prem Pal, Member of Chhetra Panchayat of Khemsepur and another was by Shri Sudhir (son of Gram Pradhan, Gram Nagla Bagh Rathaura), and Shri Prempal (Kshetra Panchayat Member, Gram Sabha Khimsepur). Individual objections/suggestions were also submitted by Shri Shivkumar (Gram Sabha Khimsepur), Smt. Sangeeta Yadav (Pradhan Member, Gram Panchayat Madanpur), Shri Yaduveer Singh (Gram Vairamnagar, Post Madanpur), Ranjana, Shri Anil Kumar, and Smt. Kamlesh Kumari (all Pradhans of Gram Panchayat Madanpur), Shri Upendra Singh (Gram Panchayat Nagla Bagh Rathaura), Shri Kuldeep Dixit (Gram Panchayat Member, Kanheypur), Sonu (Gram Vairamnagar, Post Madanpur), Smt. Poonam (Pradhan, Gram Panchayat Kanheypur), Narayan Dixit and others (residents of Gram Panchayat Bagh Rathaura), Shri Rahul Singh (resident of Gram Panchayat

Nandsa), Shri Pankaj Rajput and others (residents of Khimsepur), Shri Vikram Singh and others (residents of Gram Panchayat Madanpur), and Shri Alok Kumar (resident of Gram Pasningpur).

19. The report regarding disposal of the aforesaid Objections/ Suggestions were received from the Sub- Divisional Magistrate, / Tehsildar, Sadar, on 16.08.2022 and it was forwarded to the Principal Secretary, Urban Development Section-1, Government of Uttar Pradesh, on 18.08.2022.

20. The objections relating to Village Panchayat Khemsepur being included were disposed of and thereafter the Government Order was issued on 22.09.2022. Learned counsel for the Respondents has pointed out the order dated 16.08.2022 wherein categorization of the objections has been made and then each of such objections has been dealt with by the Tehsildar and the S.D.M. Sadar, Farukkhabad.

21. The total population of five villages which constitute the area of Nagar Panchayat concerned, as per the 2011 census was 27,338 and after 11 years i.e. in the year 2022 it increased to 33,773. With regard to the Annual Income, the objection was that majority of the villagers did not have annual income of 30,000.

22. The Tehsildar and the S.D.M. had reported that such objection was misleading as this objection did not come within the four standards laid down in the amended Government Order. With regard to 75% of the population being engaged in non-agricultural businesses, it was found that the population was indeed engaged 75% of the population in non-agricultural occupation. In the area concerned one Police Chowki was also found to be in existence. The Development Block Office and Bus Stand were not found in existence. However, there were other amenities available.

23. We have gone through the report submitted by the Tehsildar and S.D.M., Sadar, Farukkhabad, which was forwarded to the Respondent no.1, it includes the objection raised by the petitioner Kuldeep Dixit also while dealing with such objection. Recommendation has been made for Declaration / Notification of the five villages in to one Nagar Panchayat.

24. The petitioner has stated that his objections that were submitted later on have not been considered, a copy of such objections has been filed at Page 44 of the writ petition. Such objections dated 22.07.2022 have been perused by us, they are more or less the same objections that were raised earlier by him in his objection dated 08.07.2022, copy of which has been filed as Annexure to the supplementary counter affidavit.

25. We find no good ground to show interference. More so when there was no interim order in the writ petition staying the final Notification of the order dated 22.09.2022 and Nagar Panchayat Khemsepur, in District Farukkhabad has already been constituted in pursuance of such order and Elections have been held and the writ petition has lost its efficacy.

26. Hence, the writ petition is **dismissed** both on merits and due to lapse of time .

December 16,
2025

N.PAL

(Amitabh Kumar Rai,J.) (Mrs. Sangeeta Chandra,J.)