



2025:JHC-1 K0389595

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12090 of 2025

Smt. Samla

.....Petitioner(s)

Versus

Commissioner Lucknow Mandal Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s) : Roopani Mishra, Anjuli Srivastava,
Vijay Kumar Verma
Counsel for Respondent(s) : C.S.C., Anagh Shukla, Ratnesh
Chandra

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Manoj Dubey, the learned counsel for the petitioner, Sri Dheeraj Ojha, the learned Standing Counsel for the State of U.P., Sri Anagh Shukla, the learned counsel for the opposite party no.2/Lucknow Development Authority and perused the records. The opposite parties no.3 and 4 are the persons from whom the petitioner has purchased the property in question and they have been impleaded in proforma capacity, as such, there is no requirement of issuance of notices to them.

2. By means of the instant petition filed under Article 226 of the Constitution of India the petitioner has challenged the validity of an order dated 15.02.2025, passed by Prescribed Authority under Section 27 (2) of U.P. Urban Planning and Development Act, 1973.

3. The order states that a notice has been served on the representative of the opposite parties who are named as Sri Pramod Kumar and others but there is no averment that notice was served on the opposite parties personally. Pramod Kumar Singh filed Appeal No.1062 of 2025 and during pendency of appeal, the petitioner has filed an application for impleadment but her impleadment application was rejected by the impugned order.

4. A copy of impleadment application has been annexed as Annexure No.5 to the writ petition wherein the petitioner has stated that she has purchased a plot measuring 500 square feet from the land bearing Gata No.42-A from Neeru Infratech Pvt. Ltd. through a sale deed dated 17.01.2023. She has constructed a house on the land and is residing in it along with her family. This fact can be verified by spot inspection. Therefore, the petitioner's interest is involved in the matter and she is a necessary party. A copy of sale deed executed in favour of the petitioner is annexed with the writ petition.

5. From the aforesaid averments made in the application for impleadment as well as a copy of the sale deed filed in support thereof it appears that the appellate authority/Chairman, LDA has wrongly rejected the petitioner's impleadment application by a one line order that she could not establish that her interest is involved in the matter.

6. Accordingly, the petition is **allowed in part** and the order dated 12.09.2025, passed by the opposite party no.1/Commissioner, Lucknow Division, Lucknow in Case No.1062 of 2025, under Section 27(2) of U.P. Urban Planning and Development Act, 1973 is set aside to the extent that it rejects the impleadment application of the petitioner. The matter is remanded to the Chairman, LDA/Commissioner, Lucknow Division, Lucknow for being decided afresh after allowing the petitioner's impleadment application and after affording her adequate opportunity of hearing.

7. Till disposal of appeal afresh, no coercive action shall be taken against the petitioner and her possession over Plot No.C-33, measuring 500 square feet (46.468 square meters) which is a part of Gata No.42-A, situated in Village Sikandarpur Amolia, Mohanlalganj, Lucknow shall not be interfered with.

December 16, 2025

Ram.

(Subhash Vidyarthi,J.)