



2025:AHJ-1 KO:844 13-124

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12192 of 2025

Meera Gupta

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Housing And Urban
Planning Deptt. U.P. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Girish Kumar Tiwari, Manoj Kumar
Counsel for Respondent(s)	:	C.S.C., Tushar Mittal

Court No. - 2

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

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State Respondents and Sri Tushar Mittal, learned counsel appearing for the respondents no.3 & 4.

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

"(i) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties, particularly opposite party nos. 3 and 4, to immediately remove the illegal construction of stairs made in front of Shop No. 43, Nayaghat, Ayodhya and restore the egress and ingress of the petitioner's shop, in the interest of justice.

(ii) Issue a writ, order or direction in the nature of Mandamus thereby commanding and directing the opposite parties to ensure proper drainage and removal of water logging caused due to the said construction, in the interest of justice.

(iii) Issue any other writ, order or direction in the nature which this Hon'ble Court may deem fit and proper under the circumstances of the case and in the interest of justice."

3. It is the case of the petitioner that the petitioner was allotted a Shop No.43 situated near Saryu Pul, Nayaghat, District- Ayodhya through public auction 11.03.2003, an agreement to sale was executed on 26.03.2004 by the Ayodhya Development Authority in favour of the petitioner.

4. The petitioner was not being given possession and no sale deed had been executed in her favour earlier in pursuance of the auction dated 11.03.2003, and therefore, she had approached this Court in Writ Petition No. 16721(M/B) of 2018, (Meera Gupta Vs. State of U.P. and Others) where this Court had been pleased to direct the representation of the petitioner to be decided in pursuance thereof, only the sale deed was executed in favour of the petitioner on 30.01.2019 and possession of the shop was given to her on 28.08.2020. The petitioner has been running her shop peacefully since then. In August,

2024 the Ayodhya Development Authority, all of a sudden, started construction of another floor over the already existing shops. The vehicle parking area was affected, staircase has been constructed in front of shop of the petitioner which hampers the egress and ingress of the petitioner as well as the customers coming on the shop of the petitioner. The petitioner has made an application in this regard to the Office of the Vice Chairman, Ayodhya Development Authority on 02.09.2024, but nothing has been done in the matter. Hence this writ petition has been filed with the aforesaid prayers.

5. Sri Tushar Mittal, Advocate who appears on behalf of the Ayodhya Development Authority has placed before this Court the building map sanctioned for construction of first and second floor of the already existing market in which the petitioner's is situated. It is evident there from that the staircase has been constructed in open land, which is in no way affecting the frontage of the shop of the petitioner. The egress and ingress is also not effected.

6. The staircase has been made on the open land in front of the shopping complex. The black and white photographs that have been enclosed to the said instructions clearly show that there is around 5 feet passage in between the shop and the staircase.

7. We are of the considered opinion that in case the petitioner has some grievance against the Ayodhya Development Authority obstructing the ingress and egress of her shop, she can claim her easementary rights before the Competent Civil Court. This Court cannot interfere in disputed questions of fact in writ jurisdiction.

8. Accordingly, the writ petition stands ***disposed of***.

December 16, 2025

Darpan Sharma

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