



2025:AHC-I KO:2023-124

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12258 of 2025

Suman Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Addl. Chief Secy. Awas
Evam Shahari Niyojan And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Harendra Prasad Singh, Hemlata Verma
Counsel for Respondent(s)	:	C.S.C., Puneet Chandra

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 representing the State-respondent No.1 and Shri Puneet Chandra, learned counsel for respondent Nos.2 and 3.

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

"(i) Issue a writ, order or direction in the nature of mandamus thereby direct to the opposite party no.2 to provide Rs.8,14,661/- with interest which had taken extra money by the opposite party no.2 in allotment of said flat, in the interest of justice.

(ii) Issue any other or further order or direction which the Hon'ble court may deem fit and proper under the circumstances of the case.

(iii) Allow the writ petition with cost."

3. It is the case of the petitioner that she was allotted a flat and she deposited the registration amount of Rs.1,15,000/- on 26.05.2015. At the time of allotment, the sale consideration for the flat was shown as Rs.23,25,000/- and the Awas Vikas Parishad promised to deliver the completed flat to the petitioner on 27.01.2016. However, the petitioner continued to deposit installments as provided in the allotment letter and has, in fact, deposited an amount of Rs.31,39,661/-, but till date the flat has not been delivered to the petitioner. The petitioner approached the District Consumer Redressal Forum- II, Lucknow and filed a complaint bearing No.352/2023. After

exchange of pleadings, the Forum was pleased to dismiss the complaint on 18.10.2025. The petitioner has, therefore, filed this writ petition for the aforesaid prayers.

4. Shri Puneet Chandra, learned counsel for the respondent Nos.2 and 3 has pointed out that against the order of dismissal, the petitioner ought to have approached the State Commission in appeal if she was aggrieved by the order of dismissal of a complaint.

5. It has also been stated that the sale deed was executed on 27.08.2021 and the Awas Vikas Parishad delivered possession of the flat to the petitioner after execution of the sale deed on 09.09.2021.

6. Learned counsel for the petitioner admits that possession has been given to her and the sale deed has been executed in her favour, but she states that the same executed and possession was delivered with a delay of almost five years.

7. The petitioner has filed this writ petition only to get back the excess amount taken by the Awas Vikas Parishad from her.

8. The writ petition involves disputed questions of fact; the appropriate remedy for the petitioner would be to approach the competent civil court if she wants the money allegedly taken in excess by the Awas Vikas Parishad to be returned to her.

9. The writ petition is **dismissed as not maintainable.**

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

December 17, 2025

Shubhankar