



2025:AHC-1 KO:8000H-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12335 of 2025

Sudhanshu Mani And 5 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. To The Govt.
Deptt. Of Housing And Urban Planning Lko.
And 4 Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:	Dr. Ravi Kumar Mishra
Counsel for Respondent(s)	:	C.S.C., Ratnesh Chandra

Court No. - 2

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

1. Heard the learned counsel for the petitioners and Shri Ratnesh Chandra, who appears on behalf of the LDA, the Respondent nos.2 and 3 and the learned Standing Counsel, who appears on behalf of the State-respondent no.1.

2. In view of the order proposed to be passed issuance of notice to the Respondent nos.4 and 5 is dispensed with.

3. This petition has been filed by the petitioners with the following prayers:-

"I. To issue a writ, order or directions in the nature of Mandamus commanding the opposite parties to abide the term and directions as laid down in the judgment dated 13 December, 2021 passed by the National Company Law Tribunal, New Delhi Bench in the matter of GautamMullick and others versus Rohtas Projects Limited.

II. Issue a Writ order or direction in the nature of Certiorari and set aside the impugned approval/sanctioned of amended plan, order dated 11.07.2025 passed by the opposite parties especially by O.P.No.2 for changing/modifying/ altering the original sanctioned plan in the year 2006 annexed as annexure no.5.

III. To issue a writ, order or directions in the nature of Mandamus commanding the Lucknow Development Authority not to implement the amended plan dated 11.07.2025 in respect of the group housing society of which petitioners are resident."

4. It is the case of the petitioners that an Advertisement was issued in respect of Rohtas Presidential Tower at Plot No.TC/G-4/4, Vibhuti Khand, Lucknow, on 13.09.2005, in pursuance whereof the Petitioners / Predecessor in interests of the petitioners had applied for booking of Flats, the LDA had sanctioned construction of commercial and residential flats by Rohtas Builders on the plot in question. After completion of construction work on 16.01.2017 LDA issued a completion Certificate in respect of Tower-A, B and R.K. Tower on 16.01.2017. The Developers, thereafter, executed a Sale Deed in favour of the buyers and handed over possession and the Petitioners / Predecessor in interests of the petitioners starting residing in such flats peacefully. When construction of Tower C, D, E & F was going on and a Company was not able to fulfill its financial commitments, a Corporate Insolvency Resolution Process was started in which Insolvency Resolution Professional was appointed, in the said proceedings initiated under the IBC before the National Company Law Tribunal Resolution Plan was approved on 13.12.2021. It was also provided therein that in case, the Resolution plan was not being followed either the Resolution applicants or the Monitoring Agency, as the case may be was at liberty to approach the NCLT for seeking appropriate directions for effective implementation of the Resolution Plan. Now the petitioners who are residents of Rohtas Presidency have come to know that one construction Company M/s Wing Construction & Development Private Limited and GYGY Infradesign Private Ltd. in collusion with the Officials of the LDA are going to construct another Tower and also some more floors in place of Terrace Garden as per the new modified plan sanctioned by the LDA on 11.07.2025.

5. The counsel for the petitioners has informed this Court that in Writ-C No.10939 of 2025 ***[Rohtas Presidential Towers Resident Welfare Association through its President Deep Kumar Raina Vs.***

State of U.P. and others], this Court has directed the Vice Chairman, LDA, to expeditiously hear and decide the application made by the Association under Section 15(9) of the U.P. Urban Planning and Development Act, 1973. Such order has been passed disposing of the writ petition on 21.11.2025, the petitioners remit their prayer to the extent and pray for a direction that the petitioners may also be permitted to approach the LDA and they should also be heard before any decision is taken on the application of the Resident Welfare Association under Section 15(9) of the U.P. Urban Planning and Development Act, 1973.

6. This writ petition is ***disposed of*** with a direction to the Competent Authority in the Lucknow Development Authority (LDA) to also hear the petitioners before passing any order under Section 15(9) of the U.P. Urban Planning and Development Act, 1973.

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

December 17, 2025
N.PAL