



2025:AHC-LKO:85413-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12509 of 2025

Ajai Kumar Rastogi

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Devansh Singh Chauhan
Counsel for Respondent(s)	:	C.S.C., Shailendra Singh Chauhan

Court No. - 2

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

1. *Vakalatnama* filed today by Shri Abhinav Kumar Mathur, learned counsel on behalf of respondent No.3 is taken on record.

2. Heard learned counsel for the petitioner, learned Standing Counsel, who appears on behalf of State-respondent Nos.1, 2 and 4 and Shri Abhinav Kumar Mathur, learned counsel for the respondent No.3- Nagar Nigam, Lucknow.

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

"I. Issue a writ, order or direction in the nature of mandamus commanding the opposite parties not to interfere with or disturb the lawful and peaceful possession of the petitioner over the land in question, bearing Khasra No.194 sa, admeasuring 5440 square metres, situated at Village Behatwa, Pargana Bijnaur, Tehsil Sarojini Nagar, District Lucknow.

II. Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to restrain from carrying out any construction of drain, road or any other permanent structure on the petitioner's private land without following due acquisition proceedings and without payment of compensation in accordance with law.

III. Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to forthwith stop the ongoing construction activity on the petitioner's land and to remove any encroachment or construction already raised thereon.

IV. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice."

4. It is the case of the petitioner that he is the recorded tenure-holder of land bearing Gata No.194 sa, admeasuring 5440 sq. mtrs. and Gata No.196/1 situated at Village Behatwa, Pargana Bijnaur, Tehsil Sarojini Nagar, District Lucknow. The said land was also declared suitable for non-agricultural purposes under Section 143 of U.P. Zamindari Abolition and Land Reforms Act, 1950, in Case No.43/06-07 by the SDM, Sadar, Lucknow vide order dated 02.04.2007. A copy of the order passed by the SDM, Sadar under Section 143 of the U.P.Z.L.R. Act has been filed as Annexure-2 to the writ petition. However, the Nagar Nigam has now started constructing a road over the land of the petitioner.

5. Learned counsel for the Nagar Nigam has pointed out from the order dated 02.04.2007 passed under Section 143 of U.P.Z.L.R. Act that the land in question was bounded by boundary walls and was adjacent to metalled road.

6. It is only the already existing metalled road which is being refurbished by the Nagar Nigam. No land of the petitioner has been taken by the Nagar Nigam.

7. Since, it is the case of the petitioner that, in the name of refurbishing the existing road, the Nagar Nigam is encroaching upon the private property of the petitioner, this petition is **disposed of** with a direction to the respondent No.3 to carry out a demarcation exercise and to make construction of the road only on land which was already covered by the road belonging to the Nagar Nigam.

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

December 19, 2025

Shubhankar