



2025:0000:104594

HIGH COURT OF JUDICATURE AT ALLAHABAD

CONTEMPT APPLICATION (CIVIL) No. - 1094 of 2026

Obaid Ahmad

.....Applicant(s)

Versus

Sri. Satyendra Kumar, District Magistrate And 5
Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Quazi Mohammad Akaram, Shoar
Mohammad Khan, Ziauddin Farooqui

Counsel for Opposite Party(s) :

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. The applicant before this Court was one of the parties in Writ-C No. 43581 of 2025 which was disposed of on 11.12.2025 in terms of the decision rendered in case of **Shahnawaj Khan Vs. State of U.P. and others (Writ-C No. 12319 of 2025)** and following order was passed:

"1. Heard learned counsel for the petitioners and Shri Fuzail Ahmad Ansari, learned Standing Counsel for the State respondents.

2. The petitioners have preferred this writ petition for the following reliefs:-

" a) Issue a writ, order or direction in the nature of mandamus commanding-directing the respondents not to take any action against the petitioners in seeking to disposses the petitioners from their respective houses/buildings owned and possessed by them as detailed herein above and not to demolish the same without acquiring valid title Jover the same in accordance with the provisions of right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act 2013."

3. Learned counsel for the petitioner submits that petitioners claim to be the owner of different property and the full description of the said has been provided in paragraph no.5, 7 and 8. Learned counsel next submits that the same dispute is already settled by the coordinate Bench vide

judgment and order dated 20.05.2025 passed in Writ C No.12319 of 2025 (Shahnawaz Khan Vs. State of U.P. and others). The said order was relied upon by the Division Bench of this Court while passing the order dated 12.09.2025 in Writ C No.31841 of 2025 (Mohammad Faheem and 4 others Vs. State of U.P. and 3 others).

4. For ready reference, operative portion of order dated 20.05.2025 is quoted as under :-

"5. The District Magistrate, Varanasi has filed his affidavit on behalf of the State-respondents. The stand taken therein is that the State-Government is proposing to widen and strengthen Dal Mandi road. On 20.3.2025 a preliminary estimate was sent to the State Government for the said purpose. The total estimated cost was Rs. 22059.46 lakhs. Subsequently, a revised estimate was also submitted. The Public Works Department made demarcation of the land/houses which would be affected by widening under the proposed work. It is unequivocally stated in the affidavit that the respondents would acquire title over the land/building which would be affected by the proposed project on basis of mutual consent or through acquisition under the provisions of the Act of 2013. The relevant assertions contained in this regard in paragraphs 13, 14 and 15 are extracted below:-

13-That, the widening and strengthening of the road in question will be completed after the settling the dispute amicably either by purchasing the land in question as provisions of the government order No. 2/2015/215/??-13-2015-20(48)/2011 dated 19.03.2015, with mutual consent/agreement or as per the prescribed provisions under the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013. A true copy of the government order dated 19/03/2015 is being filed herewith and marked as Annexure No. 4 to the affidavit.

14-That widening and strengthening of the road in question would be completed after providing the compensation under the provisions of the government order (supra), and if the land owner does not give his consent, then the provisions of the Act of 2013 would be applied.

15-That at present, there is no demolition drive going on adjacent of the

road side of the road in question for road widening, those land owners come in purview in the alignment of the road widening and strengthening of the road in question they must be dealt with under the due process of law and no one have deprive their legal rights.

6. Sri M.C. Chaturvedi, learned Additional Advocate General assisted by Sri Rajeev Singh, learned Standing Counsel appearing for the State submits that the respondents would not disturb the possession of the petitioner nor demolish his constructions unless title over the same is acquired through voluntary transfer or by compulsory acquisition or any other mode recognized under law.

7. Keeping in mind the aforesaid stand, the writ petition stands disposed of in terms of the same."

5. Learned Additional Chief Standing Counsel for the State respondents fairly states that qua the owners, he has no objection and the instant writ petition on their behalf may be disposed of in terms of the judgement passed in the case of Shahnawaz Khan (supra).

6. Considering the facts and circumstances of the case, we are of the opinion that similar indulgence is liable to be accorded in the instant matter also. Accordingly, the instant writ petition stands disposed of in the same terms as have been enumerated in the case of Shahnawaz Khan (supra)."

2. In para no. 11 of the affidavit to the contempt application, it has been stated that the Municipal Commissioner, Nagar Nigam has issued a notice on 31.01.2026, pursuant to which, the demolition activity was carried out on 09.02.2026.

3. From the perusal of the array of parties of the writ petition filed by the applicant, it is clear that the Municipal Commissioner, Nagar Nigam, Varanasi was not a party and only the State of U.P. through Principal Secretary, P.W.D., Public Works Department through Chief Engineer, Varanasi Circle, Varanasi, the Executive Engineer, Public Works Department, District Varanasi and District Magistrate, Varanasi were arrayed as parties. The notice issued by the Nagar Nigam was under

Section 331(1)(2) of the U.P. Nagar Nigam Adhiniyam, 1959.

4. The learned counsel for the applicant submits that despite the order of the writ Court passed on 11.12.2025, the Nagar Nigam has proceeded to demolish the house of the applicant. According to him, it was binding upon the Nagar Nigam before demolishing the same to have paid compensation as directed by the writ Court or should have entered into an agreement for mutual transfer through sale deed. According to him, neither the sale deed has been executed by the applicant in favor of the Nagar Nigam or State nor any compensation amount has been paid as per the Act of 2013. He has relied upon the Government Order of the State which requires that the compensation has to be paid for the land so acquired.

5. Shri Anoop Trivedi, learned Additional Advocate General submits that the house of the applicant has not been taken over by the State and the land is lying vacant after the demolition activity has been carried out.

6. Shri Bipin Bihari Pandey, learned counsel appearing for the Nagar Nigam submits that the Nagar Nigam was not a party in the writ petition filed by the applicant and as the house was in a dilapidated condition, the notice was issued. It was after the issuance of notice and the statutory period having been elapsed, the demolition activity was carried out. According to him, the said notice was never challenged before any Court and there is no interim order operating against the Nagar Nigam, Varanasi in respect of the demolition of the house which is in dilapidated condition.

7. After hearing the counsel for the parties and perusing the material, I find that that the demolition activity has been carried out pursuant to the notice dated 31.01.2026 issued by the Municipal Commissioner, Nagar Nigam. The said notice was never challenged before any Court nor there is any interim order passed against the Nagar Nigam. According to the State Counsel, the State has not taken possession over the land nor is proceeding in the matter, nor was involved in the demolition activity. The matter, according to the State Counsel, is between the applicant and the Nagar Nigam.

8. However, learned Additional Advocate General has fairly stated that, in

case, the applicant approaches for the payment of compensation or is ready to execute the sale deed in favor of the State, the State would proceed in accordance with law.

9. In view of the said fact, no case for contempt is made out. The contempt application stands **dismissed**.

(Rohit Ranjan Agarwal,J.)

May 6, 2026
A. V. Singh