2026:AHC-LKO:42004-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 6413 of 2026

Lallu Prasad

.....Petitioner(s)

Versus

State Of U.P. Thru. The Prin. Secy. Housing And Urban Planning Deptt. Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Kumar
Counsel for Respondent(s)	:	C.S.C., Pankaj Patel

Court No. - 2

HON'BLE PANKAJ BHATIA, J.
HON'BLE AMITABH KUMAR RAI, J.

1. Heard learned counsel for the petitioner, learned ACSC for the State and Shri Pankaj Patel, learned counsel for respondent nos.2 to 4.

2. Present petition has been filed by the petitioner challenging the orders dated 18.05.2026 and 23.05.2026 (Annexures - 1 & 2) whereby the request of the petitioner for compounding of the map has been rejected.

3. Contention of learned counsel for the petitioner is that against the order rejecting the compounding, an appeal is prescribed which fact is also admitted by counsel for the respondent. It is, however, stated that in the garb of sealing the premise and rejection of the compounding plan, the petitioner has been evicted from the property in which the petitioner was staying since substantial number of years, which is not permissible while exercising the powers of sealing under the U.P. Urban Planning and Development Act, 1973.

4. A perusal of the two impugned orders reveals that by one order the request of the petitioner for compounding of the map was rejected and by other order, property was directed to be sealed solely on the ground that compounding of map has been rejected.

5. A perusal of the powers conferred upon the authority by virtue of Section 28-A of 1973 Act makes it clear that the order of sealing can be passed at any time before making an order for the removal or

discontinuation of any development under Section 27. The said power does not authorize the authority to evict any person who is staying, as has been done by the respondents/authority.

6. Considering the action of dispossession of the petitioner not being authorized by mandate of Section 28-A of the 1973 Act, the same cannot be accepted.

7. Respondents are directed to put the petitioner back in possession forthwith.

8. It will, however, be open to the petitioner to prefer an appeal against the order dated 26.05.2026, if so advised, in accordance with law.

9. It will also be open to the petitioner to take such steps as may be advised against the order dated 18.05.2026.

10. Present petition stands ***disposed off*** in above terms.

(Amitabh Kumar Rai,J.) (Pankaj Bhatia,J.)

June 25, 2026
nishant

Digitally signed by :-
NISHANT MOHAN
High Court of Judicature at Allahabad,
Lucknow Bench