2026:AHC:207734-DB

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**WRIT - C No. - 35034 of 2025**

Nav Nirman Seva Sansthan

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

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| Counsel for Petitioner(s) | : | Rahul Kumar Jadaun |
| Counsel for Respondent(s) | : | Anand Prakash Paul, C.S.C., Shiv Prakash Gupta |

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**Court No. - 29**

**HON'BLE SIDDHARTHA VARMA, J.**
**HON'BLE KUNAL RAVI SINGH, J.**

1. The petitioner was granted a lease for construction of a building on 13.11.2018 and the construction had to be completed within 5 years of the execution of the lease. On 21.12.2022, the petitioner's map was sanctioned and then as per it, construction had to be completed as per the lease-deed by 12.11.2023. When the construction was not completed by that date, the petitioner approached the Revisional Authority which on 3.9.2024 had remanded the matter requesting the Development Authority to condone the period, during which nation was going through COVID-19 Pandemic and then accordingly grant relaxation. However, on 21.8.2025 when the order was passed granting the petitioner only one year of relaxation for the construction, the petitioner approached this Court.

2. Learned Counsel appearing for the petitioner states that as per the Revisional Authority order dated 3.9.2024, a relaxation of atleast 2 years for the completion of construction ought to have been given. It is submitted that the clause provided in the lease-deed that the construction had to take place within 5 years from 13.11.2018 could not have been pressed as there was an intervening COVID-19 pandemic in the country.

3. Sri A.P. Paul, learned Counsel appearing for Development Authority, however, states that the petitioner did not commence the construction since the map itself was got sanctioned on 21.12.2022. He was, therefore, not entitled for any relaxation whatsoever and one year relaxation which had been given was sufficient and was due compliance of the order of

Revisional Authority dated 3.9.2024.

4. Having considered the rival submissions, we are of the view that when the lease was executed on 13.11.2018 and the construction had to take place within 5 years, the petitioner definitely could not have applied for the map during the intervening period as the COVID-19 Pandemic began in the month of April, 2019 and continued for 2 years and, therefore, when the petitioner had applied on 21.12.2022 then the period exempted under the COVID-19 Pandemic had to be excluded.

5. Under such circumstances, we are of the view that the impugned order dated 21.8.2025 cannot be sustained and the same is quashed and the matter is remitted back to the Vice Chairman for a fresh consideration of the matter taking into consideration the order dated 27.5.2025 passed in Writ-C No.17201 of 2025 as well as the order of Revisional Authority dated 03.09.2024.

6. In view of what has been stated herein above and what was was stated in the order of the Revisional Authority dated 3.9.2024, the writ petition is **partly allowed**.

**(Kunal Ravi Singh,J.)  (Siddhartha Varma,J.)**

**October 5, 2026**
Irshad

Digitally signed by :-
IRSHAD AHMAD SIDDIQUI
High Court of Judicature at Allahabad