2026:AHC:208841-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40319 of 2026

M/S. Aman Developers And 7 Others

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nisheeth Yadav
Counsel for Respondent(s)	:	Abhinava Krishna Srivastava, C.S.C.

Court No. - 29

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

1. The petitioners claim to be the owners of Plot Nos.265, 260, 261/2, 259, 261/1 and 264. These plots were contiguous to each other and were purchased from various owners by different sale deeds. The petitioners got a notice under section 27 of the U.P. Urban Planning and Development Act, 1973 (hereinafter referred to as the "Act") for the construction of a certain boundary wall. While the petitioners had applied for the compounding of the map vis.-a-vis. the boundary wall, the map was also submitted and this map came to be sanctioned on 27.2.2026. While the map of the building was sanctioned, the map for the compounding of the boundary wall was still pending and, therefore, the petitioners approached this Court by means of Writ-C No.26200 of 2026 and on 7.9.2026, the following order was passed :-

> "Issue notice to the Secretary, Firozabad, Shikohabad Development Authority to show cause within a week what final orders he has passed in the matter of sanction of the petitioners' compounding map bearing file no.124 of 2024 where he has placed the sanction in abeyance vide order dated 13.03.2026. Cause shall be shown by the Secretary, Firozabad, Shikohabad Development Authority on his own affidavit within a week.
>
> Lay as fresh on 15.09.2026.
>
> Let this order be communicated to the Secretary, Firozabad, Shikohabad Development Authority by the Registrar (Compliance) through the Chief Judicial Magistrate, Firozabad within 24 hours.
>
> Mr. Abhinava Krishna Srivastava has appeared on behalf of the Firozabad, Shikohabad Development Authority."

2. Learned counsel for the petitioners states that consequently, the impugned order has now been passed on 14.9.2026 i.e. just after seven days of the passing of the order dated 7.9.2026 by this Court. Learned counsel for the petitioners states that as per the

proviso to section 15(9) of the Act, if any map which had earlier been sanctioned and is required to be cancelled then an opportunity of hearing was compulsorily required to be given.

3. From the record, we find that in the instant case, no notice etc. was served on the petitioners to appear before the Firozabad Development Authority and for placing their case.

4. Sri Abhinav Krishna Srivastava, learned counsel appearing for the Firozabad Development Authority states that he was not aware whether any notice etc. had been served upon the petitioners for placing their case.

5. Learned counsel for the petitioners states that one more opportunity to appear before the Firozabad Development Authority be afforded to the petitioners.

6. Considering the rival submissions of the parties, we find from the perusal of the order dated 14.9.2026 that the petitioners were, at no point of time, afforded any opportunity of hearing.

7. Under such circumstances, we are of the view that the order dated 14.9.2026 cannot be sustained in the eyes of law. It is, accordingly, set aside. The petitioners shall now appear before the Vice Chairman of the Firozabad Development Authority on 15.10.2026 and thereafter, after affording opportunity of hearing to the petitioners, a reasoned order shall be passed within a period of two weeks thereafter. However, till the order is passed, no further construction shall be done.

8. With these observations, the writ petition stands allowed to the extent indicated above.

October 6, 2026
GS

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

Digitally signed by :-
GAUTAM SONI
High Court of Judicature at Allahabad