2026:AHC:211122-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40944 of 2026

Kulwant Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Yogendra Kumar Srivastava
Counsel for Respondent(s)	:	C.S.C., Pranjal Mehrotra

Court No. - 29

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

1. Learned counsel for the petitioner, learned Standing Counsel for the State and Sri Pranjal Mehrotra, learned counsel for U.P. Awas Evam Vikas Parishad are present.

2. Contention of learned counsel for the petitioner is that the land of the petitioner was acquired being Plot No. 248 situated at Village Mohsinpur, District Kanpur Nagar by the Awas Evam Vikas Parishad for the development purpose. However, when that land was not required, the petitioner was requested to deposit the development charges and take possession back. It is the case of the petitioner that during that time, when the acquisition was still there, certain portion of the property had been encroached by the outsiders. Learned counsel further submits that now when the property has been returned back to the petitioner after withdrawal of the acquisition, it should be free from all encumbrances. Learned counsel further submits that even assurances were given for removal of encroachment on 03.09.2019 and 12.12.2023.

3. Sri Pranjal Mehrotra, learned counsel representing U.P. Awas Evam Vikas Parishad states that the Authority has also written a letter to the concerned Police Commissioner for removal of illegal encroachments.

4. Be that as it may, we are definitely of the view that once the acquisition has been withdrawn, land ought to be returned free from all encumbrances and if that is not done, then the petitioner's interest shall be prejudiced.

5. Under the circumstances, we are of the view that a direction be issued to respondent nos. 2 and 3 to make all efforts to remove any illegal encroachment from the land in question in accordance with law and hand over the property to the petitioner free from all encumbrances. Needless to mention that the local administration shall cooperate with the Awas Evam Vikas Parishad. This exercise has to be completed within a period of three months from the date of production of certified copy of this order.

6. With the aforesaid observations, the instant writ petition stands **disposed of.**

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

October 8, 2026
Sumit S

Digitally signed by :-
SUMIT SRIVASTAVA
High Court of Judicature at Allahabad