



2026:AHC:164000-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 20376 of 2026

Vihaan Green Buyers Welfare Association

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhijeet Mukherji		
Counsel for Respondent(s)	:	Anjali Upadhyya,	C.S.C.,	Udayan Nandan

Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.**

1. Heard Shri Abhijeet Mukherji, learned counsel for the petitioner; Shri Ajeet Singh Rana, learned Standing Counsel for State respondents and Shri Udayan Nandan, learned counsel for Greater Noida Industrial Development Authority (in short "GNIDA").
2. In view of the order proposed to be passed, notices need not go to respondent no.4.
3. The instant writ petition has been preferred for following reliefs:-

"A. Issue a writ, order or direction in the nature of mandamus directing the Respondent No.2/GNIDA to ensure implementation of its letter dated 24.02.2025 (Anneure No.7 to the writ petition) and the application/representation of the petitioner association dated 20.11.2025 (Annexure No.8 to the writ petition) by taking all necessary actions including coercive measures against the respondent no.4/ Promoter under Section 14 (6) of the U.P. Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010 read with bye law 57 of the Model Bye Laws framed under the said Act, on the strength of the memo of the inspection submitted before this Hon'ble Court.

B. Issue a writ, order or direction in the nature of mandamus directing the Respondent No.3/ Chief Fire Officer, Gautam Buddh Nagar to issue a valid Fire NOC to the Tower A, B and C after pursuing the memo of

inspection as expeditiously as possible and in accordance with law.

C. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to ensure that there is no delay in providing the registry to the residents of the Tower B and C and the occupancy certificate by the builder/ Respondent No.4;

D. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to ensure that the competition certificate is only granted once the entire common areas and facilities in all the towers as promised by the builder in the group housing Project Vihaan Green situated at Plot No.GH-15C, Sector-01, Greater Noida after due inspection of the competent authority in order to cure the mischief of partial completion and inadequate and unsafe infrastructure by the builder/ promoter."

4. Learned counsel for the petitioner has contended that the petitioner-Association is raising issues of grave importance concerning safety, habitability, environmental compliance and statutory violations affecting more than 400 families residing in the project. Application in this regard was initially moved on 19.11.2025 to the Chief Executive Officer, GNIDA indicating therein various grievances of the members of the Association. It is contended that as per the Model Bye-Laws, the GNIDA is competent to examine and redress the grievance of the petitioner. In the instant matter, the petitioner Association has already moved detailed application but till date the grievance of the petitioner Association has not been examined/redressed. Such situation impelled the petitioner to invoke the writ jurisdiction.

5. Learned counsel for the petitioner lastly contended that as the petitioner is inclined to move fresh application in view of Model Bye-Laws 57, the same may be directed to be considered and decided expeditiously.

6. Learned counsel for GNIDA states that, at this stage, he is not in a position to make any comment in the instant matter. However, in case any such application is moved, definitely the Chief Executive Officer, GNIDA shall consider and decide the grievance of the petitioner Association in accordance with law expeditiously.

7. Heard rival submissions, perused the record and considered the relevant provisions of U.P. Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010 (in short "Act, 2010") as well as model bye-laws. We find that Model Bye-Laws has been enacted on 16.11.2011 in pursuance of the provisions of clause (3) of Article 348 of the Constitution. For ready reference, Model Bye-Law 57 is reproduced as under:-

"57. The competent authority, suo motu or on an application may make an inspection of the building to which the Act applies. A memo of inspection may also be prepared by the competent authority about the status of the building including the common areas and facilities and, thereupon, the competent authority may take such action in respect thereto as may be deemed necessary by him."

8. We find that under the aforesaid provisions, the competent authority is fully empowered to take appropriate action, as may be necessary, either suo motu or on an application made in this regard. Considering the plight of the petitioner Association, we find that the grievance of the petitioner be looked into, examined and remedied by the competent authority i.e. Chief Executive Officer of GNIDA in accordance with the Act, 2010 as well as the Model Bye-Laws made in this regard expeditiously and preferably within two months from the date of production of certified copy of this order but certainly after giving opportunity to all the stake holders including the petitioner Association as well as the respondent no.4.

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

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

August 5, 2026

SP/