



2026:AHC:59044-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10775 of 2026

Shiv Kumar Thakur And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pallavi Mishra, Vivek Prakash Mishra
Counsel for Respondent(s)	:	Anjali Upadhya, C.S.C.

Court No. - 21

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

1. Heard learned counsel for the petitioners, Mrs. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State-respondents, and Mrs. Anjali Upadhya, learned counsel for the respondent, Greater Noida Industrial Development Authority (the Authority).

2. This writ petition is preferred for the following principal reliefs:

"I. Issue a writ, order or direction in the nature of certiorari to quash the impugned notices dated 24.01.2024 and one undated notice served on December, 2025 (Annexure No. 3 & 4 to this writ petition).

II. Issue a writ, order or direction in the nature of mandamus commanding the respondents to not demolish / dispossess the house of petitioners as petitioner no. 2 & 3 are physically and mentally challenged, from Plot No. 1 & 2, situated Khasra No. 773 Village Bisrakh, Jalalpur, Tehsil Dadri, District Gautam Buddh Nagar.

III. Issue a writ, order or direction in the nature of mandamus commanding the respondents to sanction the map of the petitioner no.1 which has been submitted before the Greater Noida Industrial Development Authority on 29.01.2026 by

deciding the petitioner's representations dated 30.12.2025 & 20.01.2026 (received on 29.01.2026).

IV. Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstance of the case.

V. Award costs of the writ petition to the petitioners."

3. Learned counsel for the petitioners, in support of his submissions, has placed reliance upon Sections 9 and 10 of the U.P. Industrial Area Development Act, 1976 (hereinafter referred to as "the Act, 1976"). He submits that, in the absence of statutory regulations framed with the prior approval of the State Government under Sections 9 and 10 of the Act, 1976, the Authority lacks the power to sanction, regulate, or demolish constructions raised over such land. In support of the said submission, reliance has been placed upon the judgment dated 27.11.2019 passed in Writ-C No. 49104 of 2017 (New Okhla Industrial Development Authority through C.E.O. vs. State of U.P. and 5 Others), which stands affirmed upon dismissal of Special Leave to Appeal (C) No. 9941 of 2022 on 29.01.2025 and Review Petition No. 633 of 2025 on 08.04.2025. It is, therefore, submitted that, in light of the aforesaid legal position, the Authority be restrained from carrying out any demolition action except in accordance with law. He has further apprised the Court that the petitioners have already moved an application for sanction of the map. He has confined the relief to the extent that the application of the petitioners be decided in accordance with law.

4. Per contra, Mrs. Anjali Upadhaya, learned counsel appearing for the respondent-Authority, has opposed the reliefs sought and submitted that the instant matter relates to Khasra No. 773 situated in Village Bisrakh Jalalpur, Tehsil Dadri, District Gautam Buddh Nagar, and the said disputed khasra has already been considered in Writ-C No. 24772 of 2025 (Tanveer Khan and Another vs. State of U.P. and 2 Others). She submits that, in the said matter, the Division Bench held that, since the Authority had not sanctioned the plan for construction over the disputed land, any construction raised thereon was without due permission, and accordingly

the writ petition was not entertained and no relief was accorded. In the aforesaid backdrop, learned counsel for the Authority submits that the land in dispute falls within the territorial jurisdiction of the Authority and is also acquired land. It is further submitted that, in the absence of any permission, the petitioners have raised construction at their own risk, and the same cannot be permitted or approved on equitable considerations, particularly when such action is contrary to the mandate of the Act, 1976. According to her, such construction is not permissible under the scheme of planned development, and the Authority has been constituted to ensure that all development within its territorial jurisdiction is carried out strictly in accordance with the master plan. She further submits that the claim of the petitioners founded upon the alleged sale deed dated 21.11.2022 itself involves seriously disputed questions of fact relating to their right, title and interest over the land in question, which are not amenable to adjudication in exercise of writ jurisdiction.

5. Considering the submissions advanced by learned counsel for the parties and having perused the record, as the petitioners have claimed certain rights over the land in question on the basis of a sale deed, this Court finds that any issue relating to title, right, or claim over the land in question would involve disputed questions of fact which cannot appropriately be adjudicated in exercise of writ jurisdiction.

6. Be that as it may, since the petitioners have confined the relief to the extent that their application be decided in accordance with law, without entering into the merits of the case, and with the consent of the parties, the present writ petition is finally **disposed of**, leaving it open to the petitioners to submit a fresh application before the Chief Executive Officer, Greater Noida Industrial Development Authority. In case such an application is filed within ten days from today, the same shall be considered and decided expeditiously, strictly in accordance with law.

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

March 23, 2026

NLY