



2026:AHC:64670-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 11661 of 2026

Smt. Uma Devi And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pramod Kumar Srivastava
Counsel for Respondent(s)	:	Achal Singh, 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; Sri F.A.Ansari, learned Standing Counsel for the State-respondents and Sri Achal Singh, learned counsel for the respondent no. 5.

2. The instant writ petition has been preferred inter alia with following principal reliefs.

"A. Issue a writ order or direction in the nature of quash the impugned order dated 2.1.2026 passed by respondent no. 2 District Magistrate, District Kaushambi which has been passed without following the due process of Land Acquisition Act i.e. The Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as no notification has been issued till date under section 4 & 6 of the Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Resettlement Act, 2013 (Annexure no. 8 to the writ petition).

B. Issue a writ order or direction in the nature of mandamus directing Issue writ order or direction in the nature of mandamus directing the concerned respondents to restrain the construction of the Khadanja, which is running on the petitioners' land ie Ghata no 54 measuring 1.104 hettare situated at Village Mamai Pargana & Tehsil Rajapur, District Chitrakoot in illegal and arbitrary manner.

C. Issue a writ order or direction in the nature of mandamus directing the respondents to remove the illegal on encroachment which has been made the petitioners' aforesaid land in illegal and arbitrary manner without following the due process Acquisition act."

3. The record in question reflects that earlier the petitioners have invoked the writ jurisdiction of this Court by means of WRIT - C No. - 38026 of 2025 (Smt. Uma Devi And 2 Others v. State Of U.P. Through Principal Secretary (Home Affairs) And 4 Others), which was disposed of by the coordinate Bench vide order dated 6.11.2025 with following observations.

"1. Heard learned counsel appearing on behalf of the petitioner and Shri Achal Singh, learned counsel appearing on behalf of the respondent.

2. This is a writ petition under Article 226 of the Constitution of India, wherein the petitioner is aggrieved by the allegedly illegal construction of road over the bhumidhari land of the petitioner.

3. Upon consideration of the matter and upon perusal of the documents, we are of the view that this matter is required to be decided by the District Magistrate being respondent No.2 herein in an expeditiously manner.

4. Accordingly, we direct the District Magistrate being respondent No.2 herein to decide the title of land over which the road is being constructed and to determine whether the land belongs to the petitioner or to the Gram Sabha after granting proper hearing to the petitioner and to the representative of the Gram Sabha within a period of three weeks from date.

5. Since the matter is very urgent and the road is under construction, we direct stoppage of construction of road till a decision is passed by the District Magistrate.

6. The petitioner should submit a certified copy of this order along with the photocopy of the writ petition that would be treated as a representation before the District Magistrate.

7. With the above directions, the writ petition is disposed of. "

4. Learned counsel for the petitioners in this backdrop vehemently contended that the respondent no. 2 has erred in law while deciding claim of the petitioners and in most arbitrary manner finding has been returned while passing the order impugned. He submits that construction of road is being carried out over the petitioners' holding. As such, the order impugned is liable to be set aside by this Court and adequate compensation is to be paid to the petitioners under the Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "Act, 2013").

5. Per contra, learned Standing Counsel resisted the reliefs prayed for and submits that in response to the order dated 6.11.2025 in WRIT - C No. - 38026 of 2025, the District Magistrate has proceeded to pass a detailed order wherein the said finding has been returned on the basis of report submitted by the revenue team. Even though while pressing the earlier writ petition, petitioners were having efficacious remedy of demarcation of holdings but they had never pressed for actual demarcation of their holdings under Section 24 of the U.P.Revenue Code 2006 (in short "Code 2006"). Later on an attempt has been made to press the said application. He submits that in case the petitioners have invoked the forum under the Code 2006, definitely, they would get appropriate reprieve in the regular proceeding. He further submits that instead of invoking the forum under Code 2006, in arbitrary manner on the basis of an ex-parte order, they have succeeded in staying the construction of road, which is a public purpose.

6. Heard rival submissions and perused the record. We find that the order impugned is passed relying upon the report submitted by the revenue team on 24.12.2025. At this stage, we are not inclined to comment on the observations made by the District Magistrate while passing the order impugned. However, we expect that the proceeding under Code 2006, which is stated to be pending for consideration, the same is to be decided expeditiously in accordance with law without being influenced by the observations so made by the District Magistrate vide order dated 2.1.2026. It is further clarified that the construction of road in question would not hamper during pendency of the proceeding under Code 2006.

7. With the aforesaid observations and direction, the writ petition stands **disposed of**.

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

March 28, 2026

A.K.Srivastava