



2026:AHC-LKO:22367-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2907 of 2026

Abdul Haleem

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Urban Development
Lko And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mohd Tanveer Raza
Counsel for Respondent(s)	: C.S.C., Shailendra Singh Chauhan

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Shri Shankar Dubey, Advocate has filed his vakalatnama on behalf of the opposite parties no. 2 and 3. The same is taken on record.

2. Heard Mohd. Tanveer Raza, learned counsel for the petitioner, learned Additional Chief Standing Counsel for the State and Shri Siddharth Shankar Dubey assisted by Shri Aadesh Pandey, learned counsel for the opposite parties no. 2 and 3.

3. We have perused the judgment and order dated 06.12.2021 passed by a co-ordinate Bench of this Court in Writ Petition No. 28454 of 2021 which reads as under:-

"Vakalatnama filed by Ms. Priyanka Singh learned counsel on behalf of the opposite party nos. 1 to 3 is taken on record.

Heard learned counsel for the petitioner, learned Standing Counsel for the State and Ms. Priyanka Singh learned counsel who has put in appearance on behalf of the opposite party nos. 1 to 3.

Learned counsel for the opposite party nos. 1 to 3 has submitted that in response to the representation made by the petitioner a fresh assessment has already been made for a sum of Rs. 3,49,405.54. The order however has not been communicated to the petitioner as yet. This figure is reflected from the notice contained as annexure 1 to the writ petition.

Learned counsel for the petitioner has submitted that the impugned notice has not been issued to the petitioner who is presently occupying the building. Admittedly, the building is currently occupied by the petitioner.

Thus, we leave it open to the petitioner to file his reply in response to the notice contained as annexure 1 to the writ petition for clarifying the position of his occupation with respect to the building in question and take all the pleas open to him under law.

In case a response to the impugned notice is filed within a period of ten days from today, the opposite parties shall take an appropriate decision expeditiously and preferably within a period of three weeks from the date of submission of the reply.

The opposite parties shall deal with the submission of the petitioner that he has come to occupy the building in question from the year 2012 and pass necessary order in accordance with law. While submitting a reply to the impugned notice, the petitioner shall deposit Rs. 1.5 lacs which shall be adjudicated at the time of passing the final order. The difference of liability assessed less compared to the deposit made, if any, shall be refunded to the petitioner without any delay.

The petition is accordingly disposed of."

4. The petitioner claims to have submitted a response to the notice referred therein but on account of sealing of the premises he is unable to present the same. He, however, admits to the fact that it was not submitted online rather it was submitted by hand.

5. The learned counsel for the Municipal Corporation, Lucknow says that the response has to be submitted online whereupon it will be considered and a decision shall be taken in compliance of the judgment and order dated 06.12.2021.

6. The controversy, as, we could understand appears to be that the petitioner is a subsequent occupier of the premises in question and claims to be paying Municipal Taxes to the Municipal Corporation, Lucknow as against the dues generated in the name of earlier occupier- Roy Coaching.

The main issue is that being subsequent occupier the petitioner's name should be substituted in the records for the payment of Municipal Taxes if otherwise permissible under the Municipal Corporation Act, 1959.

7. The controversy would be settled if the petitioner is permitted to respond to the notice referred in the judgment and order dated 06.12.2021 within a period of one week from today whereupon the competent authority in the Municipal Corporation shall consider the objections of the petitioner and take a considered decision not only with regard to the inclusion of name of the petitioner in the records as far as it may be permissible in law but also with regard to his liability to pay the Municipal Taxes for the period and amount mentioned in the notice referred in the judgment and order dated 06.12.2021. It is ordered accordingly. This decision would be taken at the earliest say within a period of two weeks of submission of such response online by the petitioner.

8. Based on the decision which is taken as aforesaid the consequences will follow as regards the sealing of the premises in question.

9. In the interregnum it is open for the petitioner to move the competent authority in the Municipal Corporation for de-sealing of the premises if otherwise permissible in law.

10. With the aforesaid observations/directions, the writ petition is **disposed of.**

(Manjive Shukla,J.) (Rajan Roy,J.)

March 31, 2026

R.K.P.