



Reserved

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 24111 of 2026**

Ziauddin Farooqui

.....Petitioner

Versus

State of Uttar Pradesh and others

.....Respondents

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|-----------------------------|--------------------------|
| Counsel for the Petitioner  | : Quazi Mohammad Akaram  |
| Counsel for the Respondents | : C.S.C., Vineet Sankalp |

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**Court No. - 64**

**HON'BLE J.J. MUNIR, J.  
HON'BLE ARUN KUMAR, J.**

**(Delivered by Hon'ble J.J. Munir, J.)**

1. This petition has been filed seeking to quash the impugned inspection report dated 15.05.2026 and consequential notices dated 25.05.2026 issued under Section 331(1) and (2) and notice dated 12.06.2026 issued under Section 334(3) of the Uttar Pradesh Municipal Corporation Act, 1959 in regard to the petitioner's property. A *mandamus* has been sought restraining the respondents from demolishing the petitioner's property situate in Dalmandi, District Varanasi pursuant to the impugned notices.

2. The petitioner is the owner of a property situate in Dalmandi, District Varanasi, bearing House No. D-50/216, Varanasi. An earlier notice was issued under Section 331 of the Uttar Pradesh Municipal Corporation Act, 1959 (for short, 'the Act of 1959') in relation to the said property, amongst others. This was challenged before this Court by the petitioner. The issue was covered by the judgment rendered by this Court in **Writ-C No.16633 of 2026, Syed Abbas Murtaza Shamsi v. State of U.P. and others**, decided on 07.05.2026. A Division Bench of

this Court in **Syed Abbas Murtaza Shamsi** (*supra*), while deciding the writ petition last mentioned, relied upon the judgment passed in the case of **Shrish Chandra and others v. State of U.P. and others, 2017 (7) ADJ 146** and directed the respondents to constitute a fresh Committee, comprising following members: one Independent Architect from the approved panel, one Executive Engineer and one Executive Engineer from any other department of the State Government. This Committee was required to submit a report after carrying out an inspection in terms of Section 331 of the Act of 1959, if the building was in a ruinous condition or likely to fall or any way dangerous to persons occupying it etc. The Municipal Commissioner was then given liberty to issue notice to the petitioner in terms of Section 331 of the Act of 1959. The petitioner says that he received the impugned notice dated 25.05.2026, founded upon an inspection report dated 15.05.2026.

3. It is the petitioner's case, however, that neither any order constituting the Committee nor any document demonstrating the appointment, participation or opinion of an independent Architect has been supplied to the petitioner. The speed, at which the Authorities of the Corporation are proceeding, shows that they are acting unfairly and without proper evaluation. It is emphasized that a tight 15-day schedule from the formation of the Committee to issue of the demolition or eviction notices, suggests the outcome on a premeditated basis. These dates are given as follows:

15.05.2026 : Committee officially constituted,  
16.05.2026 : Site inspections conducted immediately,  
23.05.2026 : Inspection report finalized and signed and the impugned notices under Section 331(1) and (2) of the Act of 1959 issued on 25.05.2026, 29.05.2026 and 30.05.2026.

It is urged that the rapid pace of these steps show that the respondents had deliberately been targeting the petitioner. The Authorities are also accused of rubber-stamping, pre-determined conclusions in a mechanical manner instead of independently applying mind.

4. Upon hearing the learned Counsel for the petitioner and Mr. M.C. Chaturvedi, learned Additional Advocate General assisted by the learned Additional Chief Standing Counsel, appearing on behalf of respondent Nos.1 and 2, and Mr. Vineet Sankalp, learned Counsel for respondent Nos.3, 4, 5 and 6, what we find is that it is true that in an earlier writ petition, being Writ-C No. 27496 of 2025, the petitioner was extended the benefit of an order passed in **Writ-C No. 12319 of 2025, Shahnawaz Khan v. State of U.P. and others**, decided on 20.05.2025, which amongst others, provided that the respondents would not disturb the possession of the petitioner nor demolish his construction until title over the same is acquired through voluntary transfer or by compulsory acquisition or any other mode recognized under the law. This judgment was brought to our notice during hearing and it is argued by learned Counsel for the petitioner that the present demolition notices are in violation of the aforesaid directions of the Division Bench. We must remark that the issue involved in **Writ-C No.27496 of 2025** is completely different from that involved in the present case. In the said case, the issue was about acquisition of property, may be for road widening and the interdict of this Court is that the acquisition could not be forcible without adherence to the provisions of the acquisition law, which either had to be through voluntary transfer based on a negotiated settlement or by compulsory acquisition or any other mode recognized by law.

5. The controversy that has now arisen is with regard to the right of the Municipal Corporation to demolish the petitioner's premises because they are in a ruinous condition and a danger to the occupants and others. The Municipal Corporation has been conferred with this power under Section 331 of the Act of 1959 and they are entitled to direct the premises to be vacated, if the occupants of the premises are under a notice under Section 331 and Section 334(1)(c) of the last mentioned Act. The petitioner appears to have challenged earlier notice issued to him under Section 331 and he was extended benefit of a judgment passed in **Writ-C No.16633 of 2026**, vide order dated 07.05.2026 passed

by a Division Bench of this Court in **Writ-C No.18045 of 2026**. The directions in **Writ-C No.16633 of 2026** read:

“4. Learned Senior Counsel appearing for petitioner has placed reliance upon the judgment of this Court in the matter of **Shirish Chandra and others vs. State of U.P. and others; 2017 7 ADJ 146** decided on 12.05.2017 and submitted that in terms of Para-8 of judgment read with Section 331 of U.P. Municipal Corporation Act, 1959 (in short, 'Act, 1959'), Municipal Commissioner shall constitute a Committee consisting of an Architect and Executive Engineer, but in present case there is no Architect in the inspection Committee submitted inspection report dated 15.04.2026. Further, while sending notice dated 15.04.2026, inspection report was not provided to the petitioner, therefore, proceeding so initiated is bad and is in teeth of judgment of this Court passed in **Shirish Chandra (Supra)**. Lastly, he submitted that in the light of aforesaid submissions, proceeding initiated through impugned notice may be quashed and petition may be allowed.

5. Sri Vineet Sankalp, learned counsel for respondent no. 5 though opposed the submissions of learned Senior Counsel appearing for petitioner, but could not dispute the facts so argued.

6. Therefore, in the light of aforesaid facts, we **dispose of** this petition with direction to respondent no. 5 to constitute a new Committee having at least one Independent Architect from the approved list, Executive Engineer and also one more Executive Engineer from any other department of State, which shall carry out inspection in terms of Section 331 of Act, 1959 and submit report to Municipal Commissioner. Thereafter, Municipal Commissioner may issue notice to the petitioner in terms of Section 331 of Act, 1959 along with inspection report. In case any such notice is issued to the petitioner, he shall submit reply within two weeks from the date of receipt of notice. Thereafter, Municipal Commissioner shall decide the matter in accordance with law after considering the reply of petitioner.”

6. Now, as it appears that the Committee, constituted to assess if the petitioner's premises are indeed in a ruinous condition or likely to fall or in any way dangerous to persons occupying, resorting or passing by such structure, have opined the petitioner's premises to be in a ruinous condition. The said Committee have opined on 23.05.2026. The Committee have one Executive Engineer (Civil) from the establishment of the Nagar Nigam, Varanasi, another Executive Engineer belonging to another Department, that is to say, P.W.D., Varanasi and an independent Architect as well, representing M/s. Petricore ALP. The Committee have opined in the following words:

"भवन का स्थलीय निरीक्षण किए जाने पर यह पाया गया कि यह G+2 पुराना भवन है जिसमें लकड़ी की बीम पर पटिया की छत बनायी गई है। बीम व पटिया कुछ भाग में क्षतिग्रस्त पाये गए हैं। भवन की दीवारों पर भी दरारें देखी गई हैं।"

7. On the basis of the report of this Committee, a notice dated 25.05.2026 under Section 331(1) and (2), and a notice dated 12.06.2026 under Section 334(3) of the Act of 1959 have been issued. Learned Counsel for the petitioner has assailed the reports on various technical grounds, including that, that they have failed to furnish photographs,

field inspection notes, measurements, sketches, structural calculations, testing reports, attendance records of committee members and other foundational documents forming basis of the impugned action and argued that such withholding of material raises a strong adverse inference against the respondents. It is also emphasized that the respondents have failed to appreciate the distinction between structure requiring the repairs and a structure posing an imminent danger to life and property. He submits that the material relied upon by the respondents, even if accepted on its face value, at best suggest the need for maintenance and repairs and does not justify the extreme conclusion that demolition proceedings should be initiated.

8. We are of opinion that the power to remove a structure, which is in ruinous condition or likely to fall, is an emergency measure to save human life. Upon the last objection by the petitioner and a writ petition being preferred, a Committee with an Independent Architect and an Executive Engineer from another Department was assigned to evaluate the condition of the petitioner's premises, if indeed these were in a ruinous condition or likely to fall. The report of the Committee indicates that they have found the building to be one supported by wooden beams, on which stone slabs have been placed. The stones and the beams were found damaged in some part and the walls were found cracked. If on the basis of this opinion, a decision has been taken to pull down the structure, it is not this Court's province to interfere in a measure like this, where human tragedy may result with the slightest delay in action being taken. The nature of the power under Section 331 of the Act of 1959 does not brook delay.

9. In the result, this petition fails and is **dismissed**.

**(Arun Kumar,J.) (J.J. Munir,J.)**

**June 30, 2026**

Anoop