



2026:AHC:124940-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23008 of 2026

Siya Ram

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anuj Kumar Mishra, Himanshu Rai
Counsel for Respondent(s)	:	C.S.C., Ravi Prakash Pandey

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SATYA VEER SINGH, J.

1. Heard Sri Abhishek Rai, Advocate holding brief of learned counsel for the petitioner; Sri Ravi Prakash Pandey, learned counsel for the Varanasi Development Authority and learned Standing Counsel for the State-respondents.

2. Challenge has been raised to the order dated 16.04.2026 whereby the petitioner's objection to the notice dated 04.06.2025 has been rejected. Accordingly, it has been observed that the constructions raised by the petitioner over the plot bearing No. 2077, Village - Susuwani (Jangampur), Police Station - Chitapur, District - Varanasi is described to have been raised unauthorisedly.

3. Aggrieved by that the present writ petition has been filed.

4. Learned counsel for the petitioner submits that the land in village fell within the limits of municipal of Varanasi Development Authority, vide notification issued in the year 2019. Since the constructions had been raised prior to the said date and no construction has been raised thereafter, the petitioner may not be visited with any notice of demolition etc. In support of his submissions, learned counsel for the petitioner relies on

sale deed dated 11.07.2000, disclosing that the petitioner had purchased open land, without construction.

5. On the other hand, learned counsel for the development authority would contend that even though the constructions may not be demolished to the extent the petitioner has failed to establish that any construction was raised after obtaining prior approval either from the Gram Panchayat or the Nagar Panchayat, the constructions of the petitioner may not be protected except upon compounding.

6. In view of that objection raised, learned counsel for the petitioner states that the petitioner is willing to seek compounding. However, the constructions may not be demolished.

7. To the extent, the sale deed relied by the petitioner does not disclose any construction, it has to be assumed that the constructions were raised between 2000 to 2019. Further, in absence of any constructions being relied by any authority whether Gram Panchayat or the Nagar Panchayat, those are unauthorised.

8. In view of the above appraisal, though the petitioner is right to some extent that the constructions may not be demolished at present, at the same time, the petitioner cannot avoid liability of compounding to secure the constructions.

9. At the stage, learned counsel for the petitioner states that the petitioner may be permitted to file compounding application within a period of two weeks from today after complying all provisions of law.

10. In view of that statement made, the present writ petition is **disposed**

of with the observation, subject to the petitioner filing compounding application within a period of two weeks from today before Varanasi Development Authority after complying all provisions of law, the same may be dealt with on its own merit within a further period of three months therefrom. Consequential proceedings, if any may abide by the order to be passed by the Varanasi Development Authority.

(Satya Veer Singh,J.) (Saumitra Dayal Singh,J.)

June 3, 2026
Abhilash