2025:AHC-LKO:85813-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 12301 of 2025

Pratibha Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Urban Development Deptt. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anjani Kumar Dvivedi, Satendra Kumar Mishra
Counsel for Respondent(s)	:	C.S.C., Adnan Hashmat, Shailendra Singh Chauhan

Court No. - 2

HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE AMITABH KUMAR RAI, J.

Learned counsel for the petitioner prays for permission to correct the description of respondent no. 4 during the course of the day.

The request, as made orally, is granted.

Let the necessary correction be done by the counsel for the petitioner during the course of the day.

This writ petition has been filed with the following prayers :-

1. Issue a writ order or direction in the nature of MANDAMUS commanding the opposite parties (specially opposite party no. 2 and 3) to ensure for no illegal construction / encroachment over the park land as shown in the Annexure no. 2 of the present petition and indicated in the ownership of the Municipal Corporation of Lucknow.

2. Issue a writ order or direction in the nature of MANDAMUS commanding the opposite parties specially opposite party no. 3 to develop a park over the land in question (As indicated in Annexure no. 2) to take appropriate action in terms of the IGRS complaint no. 40015725117570 dated 19-11-2025, to protect the health and hygiene of the citizens of the said locality and also take illegal action against the persons involved in the encroachment of the Land in question, in the interest of justice.

Learned counsel for Nagar Nigam, Lucknow, has produced before this Court a document signed by the Lekhpal and the Tehsildar, which is taken on record, wherein it has been stated that Gata No.

1226 minjumla, area 0.228 hectare, is recorded under Category 5(1) as Talab land. Gata No. 1226Ga, area 0.089 hectare, and Gata No. 1226 minjumla, area 0.405 hectare, are recorded in the name of a private person as bhumidhar with transferable rights. Gata No. 1218ka, area 0.228 hectare; Gata No. 1218kha, area 0.329 hectare; and Gata No. 1218, area 0.152 hectare, are also recorded in the name of the tenure holder/bhumidhar with transferable rights. Gata No. 1226 is a minjumla/composite gata, and no partition has taken place without legal partition; the construction being made has been challenged by the petitioner. Since the Nagar Nigam claims part of the land, it has got the constructions being made by the private persons stopped.

This writ petition is **disposed of** with a direction to the petitioner to move an appropriate application under Section 30(2) of the U.P. Revenue Code before the Sub-Divisional Officer concerned, who shall, if such an application is made within two weeks from today, consider the same and pass appropriate orders after giving an opportunity of hearing to all concerned.

December 19, 2025
Ashish Dewal

(Amitabh Kumar Rai,J.) (Mrs. Sangeeta Chandra,J.)

Digitally signed by :-
ASHISH DEWAL
High Court of Judicature at Allahabad,
Lucknow Bench