



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 342 of 2026

Ansar Ahmad

.....Petitioner(s)

Versus

State Of U.P. Prin. Secy. Deptt. Of Housing And Urban Planning Lko.
And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Singh, Lal Gaurav Pratap Singh, Rakesh Kumar Trivedi
Counsel for Respondent(s)	:	C.S.C., Mohammad Tariq Saeed, Parvez Akhtar Khan, Rajeev Prakash Saxena, Ratnesh Chandra

Court No. - 1

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

Supplementary affidavit is taken on record.

Heard.

Sri Pritish Kumar, learned Senior Advocate assisted by Sri Amal Rastogi, learned counsel appearing for opposite party no.7 raises a preliminary objection on the ground that representations annexed with the writ petition as a prerequisite for seeking a writ of mandamus even if in public interest have been submitted by the person who has filed the appeal against appointment of Mutawalli and as the said appeal is pending under Section 83(2), therefore, this petition should not be entertained as it appears to be a proxy petition.

This P.I.L. has been filed raising two issues, firstly, that the Waqf property is being misused by opposite party nos.5 to 7 and secondly, without any permission from the development authority, construction is being made. As regards the first grievance, the remedy may lie under the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 (in short 'the Act, 1995') as amended till date. As regards the second issue, this can be considered by us. Sri Ratnesh Chandra, learned counsel for the Development Authority says that notice has been issued to opposite party no.7 who is builder undertaking construction on the premises of the Waqf as prima facie, the said construction is without

sanction of map.

Learned counsel for the Waqf Board says that applications have been received against the misuse of Waqf property etc which are being proceeded by the Board.

As regards the objection of Sri Prithish Kumar, learned Senior Advocate appearing for opposite party no.7, the ends of justice would suffice if the petitioner is discharged from pursuing this matter and we proceed suo-motu as as after all firstly opposite party no.7 is a builder and not the Mutawalli nor managing the Waqf. Whether the constructions are temporary or permanent will have to be seen because prima facie notices have been issued by the Development Authority which is ordinarily done only after an inspection. Therefore, we will now proceed on the limited issue as to whether any constructions is being made on the Waqf property by opposite party nos.5 to 7 without getting the map sanctioned assuming it is otherwise permissible in law. As regards the other issues, the person aggrieved or the one who has locus standi can seek remedy under the aforesaid Act, 1995.

Let Sri Ratenesh Chandra, learned counsel for the Development Authority assist the Court on the next date as to the nature of construction being undertaken whether it requires sanction under Section 15 of the U.P. Urban Planning and Development Act, 1973 (in short 'the Act, 1973') or not.

List this case on **13.05.2026 as fresh.**

In the meantime, it is made clear that if any construction is being raised on the Waqf property which requires a sanction under Section 15 of the Act, 1973 then it shall not proceed unless there is a sanction.

The name of petitioner's counsel need not be shown in the cause list when it is listed as we will now proceed suo-motu with the title In RE: SUO MOTU illegal Construction on Waqf Property.

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

April 27, 2026/ Shanu/-