2026:AHC-LKO:81227-DB

A.F.R.
Reserved on 29.10.2026
Delivered on 12.11.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 5293 of 2026

Nfs Infra Developers Llp, Thru. its Partner Nisar Ahamad

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 2 others

…..Respondent(s)

Counsel for Petitioner(s)	:	Apoorva Tewari,
Counsel for Respondent(s)	:	C.S.C., In Person, Puneet Chandra, Ratnesh Chandra, Shreyash Agrawal

AND

WRIT - C No. - 5294 of 2026

Uttar Railways Doorsanchar Sahkari Awas Samiti .Ghaziabad Thru. Its Secy. Jagveer Chaudhary

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and Another

…..Respondent(s)

Counsel for Petitioner(s)	:	Apoorva Tewari,
Counsel for Respondent(s)	:	C.S.C., Puneet Chandra, Ratnesh Chandra, Shreyash Agrawal

AND

WRIT - C No. - 8995 of 2026

N. R. Karamchari Sahkari Awas Samiti Limited Thru. Secy. Vijendra Singh

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 2 Others

…..Respondent(s)

Counsel for Petitioner(s)	:	Apoorva Tewari,
Counsel for Respondent(s)	:	C.S.C. Akhilesh Kumar Srivastava, Lalta Prasad Mishra, Ratnesh Chandra

Court No. - 5

HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.

(Delivered by Hon’ble Amitabh Kumar Rai, J)

1. Heard Sri Jaideep Narain Mathur and Sri Upendra Nath Mishra, learned Senior Advocates assisted by Sri Apoorva Tewari, learned counsel for the petitioner, Sri Gaurav Mehrotra, learned Senior Advocate assisted by Shri Ratnesh Chandra, learned counsel for U.P. Avas Evam Vikas Parishad and learned Counsel for the State-respondents.

2. Writ-C No.5293 of 2026 has been filed seeking the following reliefs :

> *(i) Issue writ, order or direction in the nature of certiorari quashing the order dated 20.09.2025 passed by Uttar Pradesh Housing and Development Board as contained in Annexure No. 1 to the writ petition.*
>
> *(ii) Issue writ, order or direction in the nature of certiorari to quash resolution no. 271/7 passed in 271" meeting of the Uttar Pradesh Housing and Development Board held on 29.04.2025 and resolution no. 274/34 passed in at and in its 274th meeting of the Uttar Pradesh Housing and Development Board held on 26.12.2025, in so far as it pertains to the petitioner, as contained in Annexure No. 23 and 3 respectively to the writ petition.*

(iii) Issue a writ, order or direction in the nature of mandamus commanding the Housing Commissioner to allow the application for purchase of additional FAR and grant consequential revision of building plan expeditiously.

3. Writ-C No.5294 of 2026 has been filed seeking the following reliefs :

(i) Issue writ, order or direction in the nature of certiorari to quash resolution no. 271/7 passed in 271st meeting of the Uttar Pradesh Housing and Development Board held on 29.04.2025 and resolution no. 274/34 passed in at and in its 274th meeting of the Uttar Pradesh Housing and Development Board held on 26.12.2025, in so far as it pertains to the petitioner, as contained in Annexure No. 1 and 2 respectively to the writ petition

4. Writ-C No.8995 of 2026 has been filed seeking the following reliefs :

(i) Issue writ, order or direction in the nature of certiorari to quash resolution no. 271/7 passed in 271 meeting of the Uttar Pradesh Housing and Development Board held on 29.04.2025 and resolution no. 274/34 passed in at and in its 274th meeting of the Uttar Pradesh Housing and Development Board held on 26.12.2025, in so far as it pertains to the petitioner, as contained in Annexure No. I and 2 respectively to the writ petition;

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 and 3 to consider and decide the application for sanction of building plan dated. 13.05.2024 within any fixed reasonable period of time on the same terms as sanction has been granted to M/s Adarsh Nagar Pragitisheel Sahkari Avas Samiti Ltd. vide order dated 06.10.2025;

5. Brief facts of the case are that the U.P. Avas Evam Vikas Parishad (hereinafter referred to as the “Parishad”) for the purposes of its Siddharth Vihar Yojna (Delhi Bulandshahr Bhumi Vikas Evam Grahsthan Yojna) (hereinafter referred to as the “Scheme”) in Ghaziabad

acquired the land by issuing notifications under Sections 28 and 32 of the U.P. Avas Evam Vikas Parishad Adhiniyam, 1965 (hereinafter referred to as the "Act of 1965") while invoking the urgency clause under Section 17 of the Land Acquisition Act, 1894 as applicable and incorporated in the Act of 1965.

6. However, owing to large-scale protests by the tenure holders and numerous litigations challenging the acquisition proceedings, the Parishad entered into negotiations with the tenure holders. In terms of the policy dated 04.03.2014, namely, U.P. State Urban Housing and Rehabilitation Policy, 2014 (hereinafter referred to as the "Policy, 2014"), which provided that if the landowners agreed to pool their land, they would be entitled to a minimum of 25% of the land without payment of any development charges, an agreement was entered into between the Parishad and 22 tenure holders on 16.03.2016 and a settlement agreement was executed accordingly.

7. Subsequently, these 22 tenure holders incorporated a limited liability partnership under the provisions of the Limited Liability Partnership Act, 2008 on 06.07.2016 in the name of N.F.S. Infradevelopers LLP (the petitioner in Writ-C No. 5293 of 2026) (hereinafter referred to as the "first petitioner"). Thereafter, a sale deed in respect of the land was executed by the Parishad in favour of the first petitioner in accordance with the Policy, 2014.

8. On the other hand, a Housing Co-operative Society, namely, Uttar Railway Doorsanchar Sahkari Awas Samiti (the petitioner in Writ-C No.5294 of 2026) (hereinafter referred to as the "second petitioner") also entered into an agreement with the Parishad in terms of the Government Order dated 22.10.2002 for the adjustment of the acquired land of Housing Co-operative Societies under the Scheme.

9. Litigation involving the cooperative societies was also pending before the High Court, wherein an order of status quo was operating in Writ-C No.9857 of 2015 in respect of the land of the second petitioner, which had been acquired by the Parishad. In accordance with the

Government policy for adjustment of land as contained in the Government Order dated 22.10.2002, 50% of the undeveloped land was allocated in favour of the second petitioner by the Housing Commissioner vide order dated 23.02.2017. Subsequently, the Parishad entered into an agreement with the second petitioner on 04.03.2017 and a sale deed was thereafter executed by the Parishad in favour of the second petitioner on 18.03.2019.

10. Similarly, the State Government entered into an agreement with another Housing Co-operative Society, namely, N.R. Karamchari Sahkari Awas Samiti Ltd. (the petitioner in Writ-C No.8995 of 2026) (hereinafter referred to as the "third petitioner") in terms of the Government policy contained in the Government Order dated 22.10.2002. Pursuant thereto, Housing Commissioner allocated 50% of the undeveloped land in favour of the third petitioner on 05.09.2016, which culminated in an agreement between the Parishad and the third petitioner.

11. Subsequently, a registered agreement was also executed on 29.06.2021, wherein it was recorded that a certain amount had been paid towards development charges and the remaining amount was to be paid in eight quarterly instalments. Thereafter, the Parishad raised a demand for an adjustment fee, which was not part of the registered agreement dated 29.06.2021. Aggrieved thereby, the third petitioner filed Writ-C No.14883 of 2024 before this Court, wherein an interim order was passed staying the demand notice issued by the Parishad towards the adjustment fee.

12. Since the Parishad did not execute sale deed in favour of the third petitioner, the latter was constrained to file Writ-C No.17941 of 2025, wherein vide order dated 29.05.2025, the Parishad was directed to decide the representation dated 21.04.2025. Pursuant to the aforesaid order dated 29.05.2025 passed in Writ-C No.17941 of 2025, the representation submitted by the third petitioner was rejected vide order dated 07.10.2025 citing the pendency of Writ-C No.14883 of 2024 before this Court.

13. The necessity of filing the instant writ petitions by the first, second and third petitioners arose as a consequence of a complaint dated 25.05.2022 submitted by one Pt. Sunil Bharala, President, Labour Welfare Board, Government of Uttar Pradesh raising allegations regarding the transfer of land by the Parishad to various cooperative societies. Pursuant to the said complaint, the State Government, vide letter dated 28.05.2022, constituted a three-member committee comprising officers of the Board to inquire into the allegations made in the complaint dated 25.05.2022 concerning the transfer of land to the cooperative societies.

14. Thereafter, another complaint was submitted by the same person, namely, Pt. Sunil Bharala, wherein allegations were also levelled against the first petitioner, which was not a Housing Co-operative Society whereas his earlier complaint was confined only to Housing Cooperative Societies. The three-member committee, constituted vide Government Order dated 28.05.2022 to inquire into the aforesaid complaint, submitted its report dated 26.07.2022 recording a finding that the allegations made against the cooperative societies were unsubstantiated.

15. Thereafter, in view of the subsequent complaint dated 24.07.2022, State Government, vide order dated 05.08.2022, constituted a four-member enquiry committee under the Chairmanship of the Divisional Commissioner, Meerut to examine the allegations raised therein. Upon examining the matter, the said four-member committee submitted its report dated 24.02.2023 recording a finding that no adverse material was found in respect of the land sold to the petitioner.

16. Subsequently, vide communication dated 22.03.2023, State Government directed the Housing Commissioner to examine the report dated 24.02.2023 submitted by the Divisional Commissioner, Meerut and submit a report thereon. However, Housing Commissioner, vide report dated 17.08.2023, took a contrary view and asserted that the petitioner had been allotted land in excess of its entitlement.

17. On the basis of the aforesaid report dated 17.08.2023, State Government, vide letter dated 23.08.2023, required the Housing Commissioner to clarify whether the land allocated under the Scheme was developed or undeveloped. The Housing Commissioner submitted its reply to the said communication on 14.09.2023.

18. Thereafter, a hearing was conducted by the State Government on 19.10.2023 during which the cooperative housing societies made their representations specifically stating that the land allotted to them was externally developed but internally undeveloped. Subsequently, vide letter dated 22.11.2023, State Government required the Parishad to clarify whether any internal development work had been carried out by it on the plots allotted to the societies. However, no reply to the said communication was furnished by the Parishad.

19. On 17.01.2024, State Government convened a meeting in the matter, wherein the Parishad sought an additional period of 15 days to furnish its response. Accordingly, the next meeting was scheduled for 27.02.2024. However, neither did any officer of the Parishad attended the said meeting nor was any reply furnished to the query raised by the State Government vide its letter dated 22.11.2023.

20. Thereafter, State Government, vide communication dated 07.03.2024, directed the Housing Commissioner to examine the reports dated 26.07.2022 and 24.02.2023 and take a decision within one month after affording an opportunity of hearing to the affected persons. It was further directed that in case any clarification was required for arriving at a final decision, the same could be sought from the State Government. However, for the aforesaid purpose, Housing Commissioner proceeded to constitute a five-member committee comprising officials of the Parishad.

21. The aforesaid five-member committee submitted its report to the Housing Commissioner on 19.09.2024, wherein no adverse finding whatsoever was recorded against any of the petitioners. Subsequently, on 06.11.2024, the Housing Commissioner raised certain additional queries

on the order sheet. In order to address the said queries, the five-member committee convened a further meeting and prepared a report in the form of minutes of the meeting. The minutes of the said meeting dated 06.11.2024 were thereafter submitted to the Housing Commissioner on 23.12.2024.

22. On 29.04.2025, the Housing Commissioner placed the reports dated 19.09.2024 and 23.12.2024 before the 271st meeting of the Board as Agenda Item No.271/7 whereupon the Board proceeded to constitute yet another committee under the Chairmanship of the Chief Town and Country Planner. In the meantime, on 15.07.2025, a report submitted by the Additional Housing Commissioner (Co-operative Section) to the Deputy Housing Commissioner (Land) recorded that no infirmity was found in respect of the permission granted under Rules 200 and 397 of the U.P. Cooperative Societies Rules, 1968. Thereafter, the committee chaired by the Chief Town and Country Planner re-examined the entire matter and vide its report dated 19.07.2025, categorically recorded that the report dated 17.08.2023 submitted by the Housing Commissioner was incorrect and was based on a fundamentally erroneous factual premise.

23. However, despite the aforesaid findings, the report of the Chief Town and Country Planner along with the report dated 15.07.2025 was placed before the 272nd meeting of the Board held on 22.07.2025 as Agenda Item No.272/2, wherein the Board deferred consideration of the matter to its next meeting. The aforesaid reports were again placed before the 273rd meeting of the Board held on 09.10.2025 as Agenda Item No.273/2. However, once again, the Board deferred consideration of the matter to its next meeting. Thereafter, the said reports were placed before the 274th meeting of the Board held on 26.12.2025 as Agenda Item No.274/34, wherein the Board directed that a clear proposal be submitted in the light of the enquiry report. However, no proposal concerning the matter was placed before the 275th meeting of the Board held on 29.04.2026.

24. Even thereafter, vide letter dated 19.05.2026, the Additional Housing Commissioner issued a communication to the Additional Housing Commissioner/Additional Registrar (Co-operative Section) directing him to conduct yet another enquiry in respect of each of the Housing Co-operative Societies. Pursuant to the said communication, a report was submitted by the Additional Housing Commissioner on 22.05.2026.

25. Subsequently, on 06.06.2026 the Additional Housing Commissioner constituted yet another six-member committee to conduct an enquiry into the land transferred to the first and second petitioners. Thereafter, vide order dated 11.06.2026, the Additional Housing Commissioner directed that the issues referred in the report dated 17.08.2023 be examined. Pursuant to the said order, an enquiry report was submitted by the Additional Housing Commissioner (Co-operative Section) on 23.06.2026. Furthermore, pursuant to the order dated 06.06.2026, another enquiry report was submitted on 29.06.2026.

26. The aforesaid sequence of events narrates the manner in which successive enquiries were conducted, none of which resulted in any adverse finding with respect to the allotment of land to the first, second or third petitioner (hereinafter collectively referred to as the "petitioners") except for the report dated 27.08.2023 submitted by the Housing Commissioner, wherein it was alleged that excess land had been allotted to the petitioners. However, even this finding was specifically rejected by the committee headed by the Chief Town and Country Planner in its report dated 17.09.2025.

27. In the light of the aforesaid factual background, the Parishad passed an order dated 20.09.2025 rejecting the application submitted by the first petitioner for the purchase of additional purchasable Floor Area Ratio (FAR) and the consequential approval of the building plan in respect of the real estate project being developed on Plot No.8-GH-01, Sector-B, Siddharth Vihar, Ghaziabad. The ground for such rejection was that the findings recorded in the enquiry reports to the effect that the process of sale of land to the petitioners was correct and bona fide, had

not yet been accepted by the Board in its 272nd meeting held on 22.07.2025, wherein consideration of the matter had been deferred. Accordingly, the Parishad took the view that the first petitioner's application for the purchase of additional FAR and consequential revision of the building plan could not be accepted at that stage.

28. The matter was thereafter deferred in the successive meetings of the Board held on 09.10.2025 (273rd meeting) and 26.12.2025 (274th meeting). Furthermore, in the 275th meeting of the Board, held on 29.04.2026, the matter was not even placed for consideration. Such continued inaction on the part of the Parishad suggests that the first petitioner was being subjected to undue harassment, thereby compelling it to file Writ-C No. 5293 of 2026.

The second petitioner, being aggrieved by the repeated enquiries conducted in respect of Plot No.3/S P-3, Sector-3, Siddharth Vihar, Ghaziabad, which had been sold to it vide sale deed dated 18.03.2019, filed Writ-C No.5294 of 2026 challenging Resolution No.271/7 passed in the 271st meeting of the Board held on 29.04.2025 and Resolution No. 274/34 passed in the 274th meeting of the Board held on 26.12.2025. By the aforesaid resolutions, yet another four-member committee was constituted to conduct an enquiry into the allotment of plots in lieu of the acquired land despite the fact that the matter had attained finality upon execution of the sale deed and no adverse findings had been recorded in the earlier enquiries.

The third petitioner also filed Writ-C No.8995 of 2026 seeking similar reliefs including quashing of Resolution Nos.271/7 and 274/34 passed by the Board being aggrieved by the repeated enquiries as well as a direction for sanction of its building plan dated 13.05.2024.

29. Learned counsel for the petitioners have advanced detailed arguments, the gist of which is summarised hereinbelow:

(i) The first petitioner is covered by the U.P. State Urban Housing and Rehabilitation Policy, 2014, framed by the State Government. The aforesaid Policy was adopted by the Board of the U.P. Awas Evam Vikas

Parishad in its 236th meeting, vide Agenda Item No. 236/8 dated 31.05.2016.

(ii) The Government Order dated 22.10.2002 is applicable to the cases of the second and third petitioners. The relevant provisions of the said Government Order are reproduced hereinbelow:

(a) As per Clause 2(3)(a), the petitioners were entitled to developed land equivalent to 50% of the acquired land without payment of any cost towards the land. However, they were required to pay development charges at the prevalent rates, along with adjustment charges equivalent to 10% of the prevalent sale price.

(b) In the alternative, under Clauses 3 and 3.2 of the Government Order dated 22.10.2002, the petitioners were entitled to receive undeveloped land equivalent to 80% of the acquired land without payment of any cost towards the land. However, they were required to pay development charges at the prevalent rates. No adjustment charges were leviable in respect of undeveloped land.

(c) As per Clause 4, the expression “developed land” means land that has been developed both internally and externally, subdivided into individual plots in accordance with a layout approved by the competent authority, and provided with external infrastructure facilities such as roads, drainage, water supply, sewage disposal, electricity supply, parks and open spaces, landscaping, and other community amenities.

(d) As per Clause 4, the expression “undeveloped land” means externally developed block land where provisions exist for external infrastructure facilities, such as Master Plan/Zonal Plan roads, main drainage channels, trunk sewers and sewage disposal systems, waterworks, water rising mains, 33 KVA substations and high-tension lines for electricity supply, regional parks, and public amenities, but where the land has not been subdivided into individual plots and internal infrastructure facilities have not been provided.

30. The arguments advanced on behalf of the first petitioner are as follows :

(i) The sole issue raised by the respondent in respect of the land transferred to the first petitioner is that, on the date of execution of the sale deed, the award in respect of the acquired land had already been made. However, as per the report dated 06.11.2024, although the awards had been made, the tenure holders had not accepted the compensation. Accordingly, the land was transferred to the first petitioner by way of a registered sale deed dated 19.12.2016, upon acceptance of the agreed development charges.

(ii) After execution of the sale deed, the Parishad has no authority whatsoever to revisit the transaction of sale or reopen the said issue in any manner.

(iii) The Parishad is conducting repeated enquiries into an issue over which it has no jurisdiction or authority to exercise any control after having executed the sale deed, whereby the first petitioner became the absolute owner of the plot in question. Thus, the continuation of such enquiries is wholly without authority of law and is arbitrary and mala fide.

(iv) The Parishad has raised various issues concerning the alleged excess land transferred under the Government Order dated 22.10.2002. However, the said Government Order is not applicable to the first petitioner, as it applies exclusively to cooperative societies. Similarly, compliance with Rules 200 and 397 of the U.P. Cooperative Societies Rules, 1968, is not an issue in the case of first petiitioner.

(v) Further, the petitioner has sought parity in the matter of sanction of additional purchasable FAR, which may be granted on the same terms and conditions as those sanctioned in favour of M/s Adarsh Nagar Pragatisheel Sahkari Avas Samiti Ltd. vide order dated 06.10.2025.

31. The arguments advanced on behalf of second petitioner and third petitioner are as follows :

(i) The allegation that the petitioners were allotted land in excess of their entitlement under the Government Order dated 22.10.2002 is incorrect for the following reasons:

(a) The findings recorded in the report dated 19.09.2024 clearly state that the societies were allotted 50% of the undeveloped land in accordance with the definition provided under the Government Order dated 22.10.2002 and that there is no infirmity in the allotment of land.

(b) In the report dated 06.11.2024, which was submitted on 23.12.2024, it was found that the housing cooperative societies had been allotted land in accordance with the settlement entered into between the U.P. Awas Evam Vikas Parishad and the cooperative societies. It was further observed that only 50% of the undeveloped land had been allotted to the cooperative societies and no irregularity had been committed in the process of allotment.

(c) In the report dated 19.07.2025 submitted by the committee headed by the Chief Town and Country Planner, it was categorically recorded that only 50% of the undeveloped land was allotted to the societies as against their entitlement of 80%. Accordingly, no excess land was transferred nor was any financial loss caused to U.P. Awas Evam Vikas Parishad.

(ii) With regard to the allegation that certain payments as recorded in the letter dated 17.08.2023 remain due from the petitioners, it has been submitted that the cooperative societies have duly paid the entire development charges in accordance with the demands raised by the respondents.

(iii) Furthermore, with regard to the payment of the Samayojan Shulk it has been submitted that the second petitioner, being aggrieved by the demand notice dated 30.12.2023 issued by the U.P. Awas Evam Vikas Parishad, filed Writ-C No.11203 of 2024 before this Court, wherein vide order dated 05.04.2024, this Court stayed the demand raised under the aforesaid notice.

(iv) The demand notice dated 30.12.2023 pertaining to the levy of Samayojan Shulk upon the third petitioner was challenged by the said society by filing Writ-C No.14883 of 2024 before this Court. The

demand raised under the aforesaid notice was also stayed by this Court vide order dated 20.05.2024.

(v) With regard to the allegation that the cooperative societies were allotted developed land, it has been submitted that the report dated 19.09.2024 clearly states that the societies were allotted 50% of the undeveloped land in accordance with the definition provided under the Government Order dated 22.10.2002. The report dated 06.11.2024, which was submitted on 23.12.2024, also indicates that only 50% of the undeveloped land was transferred to the Housing Co-operative Societies.

(vi) The continuation of the enquiry against the cooperative societies is wholly untenable. The projects undertaken by the cooperative societies are being denied statutory clearances. Accordingly, the Board is liable to be directed to process the pending applications in accordance with law, without raising any unreasonable demands against the cooperative societies.

32. The rival submissions fall for consideration.

33. Learned counsel appearing for the U.P. Awas Evam Vikas Parishad led by Sri Gaurav Mehrotra and assisted by Sri Ratnesh Chandra, Advocate, on the other hand, advanced the following submissions:

(i) Any direction issued by this Court for the grant of additional FAR or revision of the building plan before these questions are answered would amount to placing a seal of approval on a transaction that the Board has been specifically directed to examine. Such a direction would also pre-empt the decision that the Board is yet to take.

(ii) The petitioners' insistence that this Court interfere with the enquiry process with a view to scuttling the same is unwarranted and untenable. A party that is confident of the legality of its title and construction has nothing to fear from an examination by the competent authority, provided that due notice and an opportunity of hearing are afforded. The anxiety to forestall the enquiry speaks for itself.

(iii) The enquiry is neither an internal nor a self-generated exercise undertaken by respondent No.2, rather, it is being conducted in

compliance with the directions issued by the State Government in exercise of its supervisory control over the Board.

(iv) Section 92 of the U.P. Avas Evam Vikas Parishad Adhiniyam, falling under Chapter X ("External Control") obligates the Board to furnish such information to the State Government as may be directed by it. Section 92(2) empowers the State Government to issue such directions to the Board as it considers necessary or expedient for carrying out the purposes of the Act, "and it shall thereupon be the duty of the Board to comply with such directions". Compliance with such directions is mandatory. Accordingly, the Parishad cannot be faulted for conducting an enquiry that the State Government has directed it to undertake. Further, the petitioners, having not challenged the said direction, cannot seek an order from this Court restraining its implementation.

(v) The instant matter is presently at the stage of consideration of the reports by the Board. The reports submitted by the committees are merely fact-finding and recommendatory in nature and as such, are not binding on the Board. They do not, by themselves, determine any right or liability.

(vi) It transpires from a perusal of the record that while the report dated 17.08.2023 submitted by the then Housing Commissioner and the letter dated 14.09.2023 record serious prima facie findings, the other reports take a different view on certain issues. As such, resolving these conflicting findings is precisely the function of the Board.

34. The State Government, with a view to protecting the interests of registered Housing Co-operative Societies whose lands had been acquired for development schemes undertaken by the Parishad and other development authorities, formulated a policy providing for the adjustment of their land within the concerned development scheme. In furtherance thereof, the Government Order dated 22.10.2002 was issued, laying down the policy and the conditions governing the adjustment of land belonging to registered cooperative housing societies. The

underlying object of the policy was to ensure that such societies, which had acquired land for providing residential accommodation to their members, were not deprived of the benefits of their land merely on account of its subsequent acquisition for a development scheme.

35. Subsequently, State Government also formulated a policy dated 04.03.2014 providing for the pooling of land by landowners under which they were entitled to the allotment of a minimum of 25% of the land, subject to the conditions stipulated therein without payment of development charges. The policy was intended to provide a more participatory and equitable mechanism for planned urban development by associating the original landowners with the development process and ensuring that they received an appropriate share in the developed land.

36. It is the specific case of the petitioners that the allotment of land in their favour was made by the Parishad in accordance with the applicable policy framework, taking into consideration the acquisition of their original land and their entitlement to adjustment in terms of the Government Order dated 22.10.2002 and the Policy dated 04.03.2014. The allotment was not merely an administrative proposal or an inchoate arrangement. Rather, the process culminated in the execution of registered sale deeds in favour of the first and second petitioners, thereby formally transferring the allotted land to them. In the case of the third petitioner, a registered agreement was executed setting out the terms of allotment of land and the payments to be made in respect thereof.

37. It appears that notwithstanding the aforesaid allotment and the execution of registered sale deeds and a registered agreement, certain objections were subsequently raised on the basis of a complaint concerning the manner in which the land had been adjusted and transferred in favour of the petitioners. Consequently, the matter was subjected to enquiries at different levels and by various authorities. The petitioners were repeatedly called upon to furnish information and documents and to explain the circumstances in which the land had been allotted and transferred in their favour.

38. The records available with the writ petitions indicate that none of the enquiries undertaken by the authorities brought forth any material suggesting that the allotment or transfer of land was contrary to the Government Order dated 22.10.2002 or the subsequent Policy dated 04.03.2014. The adverse report dated 17.08.2023 submitted by the Housing Commissioner was also subsequently rejected by the committee headed by the Chief Town and Country Planner in its report dated 19.07.2025. No finding of fraud, misrepresentation, collusion or violation of any prescribed condition was recorded against any of the petitioner-societies. No proceedings were initiated for cancellation of the registered sale deeds or the registered agreement executed in favour of the third petitioner, nor was any competent authority called upon to adjudicate upon their validity.

39. The first petitioner submitted its layout plan and sought approval for the permissible additional FAR in accordance with the applicable planning norms and policy provisions. However, the Parishad did not proceed to grant the requisite approval. Instead, the matter continued to be kept pending on the pretext that certain aspects relating to the original allotment and transfer of the land required further examination.

40. The aforesaid conduct of the Parishad is wholly arbitrary, unreasonable and contrary to the principles of fairness governing the exercise of administrative power. Once the Parishad itself had allotted the land in favour of the petitioners, accepted the transactions and executed registered sale deeds and a registered agreement, it could not indefinitely question the very basis of such transfers through successive enquiries, particularly when none of those enquiries had resulted in any adverse finding. The petitioners cannot be made to suffer on account of administrative indecision or internal differences within the Parishad.

41. The arguments advanced by learned counsel for the Parishad suggest that successive enquiries have been conducted pursuant to the directions issued by the State Government. This, in itself, indicates that the Parishad has been compelled to undertake successive enquiries despite the fact that the enquiries conducted by it have not resulted in

any adverse finding, except for the report dated 17.08.2023 submitted by the Housing Commissioner, which was subsequently rejected by the committee headed by the Chief Town and Country Planner in its report dated 19.07.2025.

42. On the other hand, the State Government has not even filed a counter affidavit in any of the writ petitions, despite repeated opportunities having been afforded to it. Even at the stage of arguments, the learned Standing Counsel appearing on behalf of the State of U.P. has not advanced any submissions to justify or defend the action of the State Government in issuing directions to the Parishad for conducting successive enquiries. Such conduct cannot be appreciated by this Court, particularly in the backdrop of the fact that, as indicated hereinabove, the successive enquiries have not resulted in any adverse finding with regard to the allotment of land to the petitioners.

43. Learned counsel appearing for the Parishad has sought to justify its action by submitting that the authorities are entitled to examine the correctness of the original allotment and transfer of land. It has further been submitted that approval of the layout plan and grant of additional FAR cannot be claimed as a matter of right, as the Parishad is required to ensure that the allotment and subsequent development are in conformity with the applicable policies, planning regulations and other statutory requirements.

44. There can be no quarrel with the proposition that a statutory development authority or housing board is entitled and indeed obliged to ensure that allotments and transfers made by it are in accordance with the governing statute, applicable Government Orders and policies framed by the State Government. It is equally well settled that no person can claim entitlement to development permission in disregard of the applicable statutory planning regulations.

45. However, the exercise of such power is necessarily subject to the limitations flowing from the principles of fairness, reasonableness and non-arbitrariness embodied in Article 14 of the Constitution of India.

The mere existence of administrative power to enquire into a transaction cannot be construed as conferring unrestricted authority to repeatedly reopen a concluded matter in the absence of any fresh material or legally sustainable justification.

46. In the present case, it is not in dispute that the original land belonging to the petitioners was acquired by the Parishad for the implementation of its housing scheme. It is also not in dispute that the Parishad proceeded to allot land to the petitioners in lieu of the acquired land, and the transactions ultimately culminated in the execution of registered sale deeds in favour of the first and second petitioners and a registered agreement in favour of the third petitioner.

47. The Government Order dated 22.10.2002 was specifically intended to provide a mechanism for the adjustment of land belonging to registered cooperative housing societies within the development schemes of the Parishad and other development authorities. The policy contemplated the consideration of claims of such societies in accordance with the eligibility conditions and modalities prescribed therein. The subsequent Policy dated 04.03.2014, providing for the pooling of land and allotment of a minimum of 25% of the land to landowners without payment of development charges, further reflects the policy orientation of the State Government towards ensuring a fair and equitable share for landowners in the process of planned development.

48. The aforesaid policies have to be understood in the context of their underlying objectives. They are intended to facilitate planned development while protecting the legitimate interests of those whose land is utilised for that purpose. The Parishad, being an instrumentality of the State, is expected to implement these policies in their true spirit and not to adopt an approach that frustrates the very objectives for which they have been formulated.

49. It is significant that the Parishad, after examining the claim of the petitioners, itself proceeded to allot the land and execute registered sale deed and registered agreement. The transaction, therefore, cannot be

treated as a mere proposal or a provisional administrative arrangement which remained incomplete. The execution of the registered sale deed in favour of first petitioner and second petitioner constitute material subsequent event which cannot be ignored while considering the rights and obligations of the parties. Similarly, the execution of registered agreement by Parishad in favour of third petitioner binds Parishad with the terms and conditions of agreement.

50. No doubt, the mere execution of a registered sale deed and registered agreement would not, by itself, immunise the transaction from scrutiny if it is established that the same was vitiated by fraud, want of authority, violation of a statutory prohibition or any other legally recognised ground. However, in the facts of the present case, the Parishad has not been able to point out any such material. On the contrary, the successive enquiries conducted by the authorities have not culminated in any adverse finding against the petitioners.

51. It would be apt, at this stage, to refer to the findings recorded by the Committee headed by the Chief Town and Country Planner in its report dated 19.07.2025. With regard to the allegation that land had been allotted to the petitioners in excess of their entitlement, the Committee considered the matter in detail and concluded that the Housing Co-operative Societies were entitled to 80% of the undeveloped land as per the agreements entered into by the Housing Co-operative Societies with the Parishad. However, they were granted only 50% of the undeveloped land along with the benefit of permission to utilize the land for group housing subject to payment of 1.5 times the development charges. Thus, the allegation regarding allotment of excess land to the Housing Co-operative Societies was rejected by the Committee in its report dated 19.07.2025.

52. With regard to the allegation against the first petitioner concerning payment of stamp duty under land pooling, the Committee concluded that in its 236th meeting, the Board had authorized the Housing Commissioner to take a decision for providing 25% developed land to the first petitioner under the Policy, 2014. The Committee took note of

the fact that the Housing Commissioner had been authorized to take such a decision under Serial No.8 of the resolution passed in the 236th meeting of the Board. In terms of the said authorization, the Housing Commissioner on 01.08.2016 allotted 29,675 square metres of land out of the total land area of 1,18,700 square metres acquired from Kishan Sangharsh Samiti in the acquisition proceedings as developed land without levying any development or adjustment charges.

53. The report further records that the aforesaid decision was taken by the Housing Commissioner on the ground that the tenure-holders were not accepting the awarded compensation and in order to put an end to their protest and agitation, the said decision was taken. The allegation regarding excess allotment of land to the first petitioner was also found to be incorrect by the Committee in its report dated 19.07.2025.

54. The record further reveals that on the basis of a complaint made by one Pt. Sunil Bharala, President, Labour Welfare Board, Government of Uttar Pradesh, repeated enquiries were conducted in the following manner:

(a) State Government, vide order dated 28.05.2022, instituted the first enquiry, which submitted its report on 26.07.2022 wherein the allegations of illegal allotment of land to the petitioners and other Housing Co-operative Societies were found to be incorrect.

(b) State Government, vide another order dated 05.08.2022, instituted a second enquiry, which submitted its report on 24.02.2023, wherein it was concluded that the allegation of illegal allotment of land to the first petitioner was unfounded.

(c) State Government, vide order dated 07.03.2024, constituted another Committee headed by the Additional Housing Commissioner-cum-Secretary to analyze and submit a report with reference to the report dated 26.07.2022 submitted by the three-member Committee with regard to the Housing Co-operative Societies as well as the report dated 24.02.2023 submitted by the Commissioner, Meerut. The said Committee submitted its third enquiry report on 19.09.2024. After

conducting a detailed analysis and hearing the stakeholders, the Committee concluded that no illegality had been committed in the allotment of land to the Housing Co-operative Societies.

(d) The Committee constituted vide order dated 07.03.2024 headed by the Additional Housing Commissioner-cum-Secretary submitted its fourth enquiry report dated 06.11.2024, wherein with regard to the first petitioner, it was concluded that no illegality had been committed in the allotment of land to the first petitioner in terms of the Policy, 2014. It was observed that under compelling circumstances, the Board, in its 236th meeting held on 21.05.2016, had authorized the Housing Commissioner to take an appropriate decision as the tenure-holders were not accepting the awarded compensation. Accordingly, the matter was settled by allotting 25% of the developed land to the tenure-holders in terms of the Policy, 2014.

(e) The fifth enquiry report was submitted on 19.07.2025 by the Committee headed by the Chief Town and Country Planner, which concluded that no illegality had been committed in the allotment of land to the petitioners.

The findings recorded in all five enquiry reports suggest that there is no adverse material to indicate that the land was illegally or improperly allotted to the petitioners.

55. The Court is unable to appreciate as to how, in the absence of any adverse material emerging from the enquiries already conducted, the Parishad can continue to keep the application of first petitioner for approval of the layout plan and additional FAR pending on the same set of allegations and apprehensions. An enquiry is intended to ascertain facts and arrive at a conclusion. It cannot become an endless administrative exercise, with the consequence that the rights and legitimate interests of a citizen or an institution remain indefinitely suspended.

56. The successive enquiries, in the circumstances of the present case, have ceased to serve any discernible administrative purpose. Once the

relevant authorities have examined the matter and no infirmity in the allotment or transfer has been established, the Parishad is required to proceed on the basis of the existing record and take an appropriate decision on the pending applications in accordance with law and stop harassment of petitioners in name of successive enquiries as a hanging sword of damocles.

57. The Parishad cannot be permitted to keep the petitioners in a state of perpetual uncertainty by repeatedly raising doubts about a transaction which it had itself undertaken and completed. Administrative authorities are expected to act consistently and cannot be allowed to approbate and reprobate according to the changing perceptions of the officers occupying different positions at different points of time.

58. The Court is conscious of the fact that the doctrine of legitimate expectation does not confer an indefeasible right to a particular allotment or to sanction of a building plan contrary to statutory provisions. Nevertheless, where an authority has acted upon a declared policy, has itself undertaken the process of allotment and has executed a registered conveyance in favour of the beneficiary, the beneficiary is entitled to expect that the authority will not, without any cogent reason or fresh material, frustrate the consequences of its own action.

59. The principle of legitimate expectation, in such circumstances, operates in conjunction with the constitutional requirement of fairness in administrative action. The Parishad was, therefore, under an obligation to deal with the petitioner's subsequent applications objectively and in accordance with the policy and planning regulations applicable to the land.

60. The Court is also unable to overlook the fact that the petitioners have been compelled to face repeated enquiries over a considerable period, despite having obtained a registered sale deed and registered agreement from the very authority which is now withholding the consequential development permissions. Such conduct has the effect of placing an unreasonable burden upon the petitioners and its members,

who have been deprived of the opportunity to proceed with the intended housing development for reasons which have not been substantiated by any adverse finding.

61. The action of the Parishad, therefore, cannot be sustained merely on the ground that the matter continues to be under consideration at its administrative level. The pendency of an internal enquiry or the desire to obtain further administrative clarification cannot, by itself, constitute a valid ground for withholding a decision indefinitely, particularly when the previous enquiries have not disclosed any illegality or irregularity.

62. It is well settled that an authority exercising statutory or administrative powers is required to act within a reasonable period. Unexplained delay, repeated reconsideration of the same issue and indefinite withholding of consequential benefits, without any demonstrable justification, may themselves constitute arbitrariness offending Article 14 of the Constitution.

63. The judgment of this Court in Writ-C No.48641 of 2007 “Ashyana Sahkari Awas Samiti Ltd. and others v. State of U.P. and others”, decided on 30.05.2014, also recognises the policy framework governing adjustment of land belonging to registered Housing Co-operative Societies under the Government Order dated 22.10.2002. The decision emphasises that the entitlement of a society has to be examined in accordance with the conditions of the applicable policy. The same principal of law applies in cases covered by the Policy dated 04.03.2014. The present case, however, stands at a much better footing, inasmuch as the Parishad has already proceeded to allot the land and execute registered sale deed in favour of first petitioner and second petiitioner and registered agreement in favour of third petitioner, and the successive enquiries thereafter have not disclosed any adverse finding warranting interference with the completed transaction.

64. It is, therefore, necessary to distinguish between the authority's power to scrutinise an allotment before its completion and its obligation to act fairly after having itself completed the transfer. The latter situation

imposes a greater requirement of consistency and justification. The Parishad cannot treat the petitioners as an unauthorised claimant when its own acts demonstrate that the petitioners have been recognised as the transferee of the land.

65. The Court, accordingly, finds that the continued withholding of approval of the permissible additional FAR and the layout plan, solely on the basis of successive enquiries concerning the original allotment and transfer, without any adverse finding emerging therefrom, is arbitrary and unsustainable.

66. The next question which arises for consideration is whether the Parishad can withhold approval of the layout plan and permissible additional FAR on the ground that the original allotment and transfer of land are still under administrative scrutiny.

67. In the opinion of the Court, the answer has to be in the negative, in the facts and circumstances of the present case. Once the allotment and transfer of land have attained finality through execution of registered sale deeds and in terms of registered agreement and no competent authority has recorded any finding invalidating the transaction, the Parishad cannot refuse to consider the consequential applications of the petitioners merely by keeping alive the issue of the original allotment through successive enquiries. If the Parishad is of the view that the original transaction suffers from any illegality, it is incumbent upon it to identify the precise illegality and take recourse to such remedy as may be available to it in law. It cannot achieve indirectly, by withholding development permissions, what it has not been able to establish through the enquiries undertaken by it.

68. The approval of a layout plan and the grant of additional FAR are, undoubtedly, subject to the applicable master plan, zoning regulations, building bye-laws, development norms and other statutory requirements. The petitioners cannot claim exemption from compliance with such requirements merely because the land has been transferred in its favour. However, the Parishad is equally not entitled to refuse or indefinitely

defer consideration of the applications on grounds which have already been examined and have not been substantiated.

69. The two matters must be kept distinct. The question relating to the entitlement of the petitioners to the land stands on one footing, whereas the question relating to the permissible extent of development and sanction of the layout plan stands on another. The latter has to be examined independently on the touchstone of the applicable planning regulations and the policy governing the development of the land.

70. The Parishad cannot conflate the two issues and make the approval of the layout plan contingent upon repeated reconsideration of the original allotment, particularly when the allotment has culminated in a registered conveyance and no adverse finding has been recorded in the successive enquiries.

71. The Court is also of the view that the Government Order dated 04.03.2014, providing for land pooling and ensuring a minimum 25% share of land for landowners without development charges, has to be given due consideration while examining the petitioner's claim, to the extent that the policy is applicable to the transaction and the land in question. The Parishad, being an implementing agency of the State's housing and development policies, cannot disregard the policy framework or introduce conditions which are not contemplated by the applicable policy.

72. It is not open to the Parishad to accept the benefit of acquisition of the petitioner's original land, proceed to allot alternative land in lieu thereof, execute a registered sale deed and thereafter, without recording any legally sustainable reason, frustrate the development of the land by withholding approval of the layout plan and additional FAR.

73. The conduct of the Parishad, as disclosed from the material on record, is particularly difficult to sustain because the successive enquiries have not resulted in any adverse conclusion against the petitioners. The absence of any such finding assumes significance. An administrative authority cannot continue to act upon mere suspicion or

unsubstantiated apprehensions after the very exercise undertaken to verify the allegations has failed to substantiate them.

74. The Court is not inclined to permit the Parishad to embark upon yet another enquiry into the same transaction merely to postpone consideration of the pending applications of the petitioners relating to their lay out plan etc. Such a course would amount to perpetuating administrative uncertainty and would be contrary to the requirement of fairness and reasonableness in State action.

75. The Court, therefore, holds that the Parishad's action in withholding consideration and approval of the petitioner's layout plan and permissible additional FAR etc., on the basis of successive enquiries which have not disclosed any illegality or irregularity in the allotment and transfer of land, is arbitrary, unreasonable and violative of Article 14 of the Constitution of India.

76. It is clarified that this Court is not expressing any opinion on the precise quantum of FAR permissible on the petitioner's land or on the technical merits of the layout plan. Those matters fall within the domain of the competent planning authority and must be determined in accordance with the applicable statutory provisions and building regulations. The Parishad, however, cannot decline to exercise its jurisdiction or postpone a decision on the grounds which have been found unsustainable hereinabove.

77. For the reasons recorded above, this Court finds that the petitioners have made out a case for interference under Article 226 of the Constitution of India. The continued inaction of the Parishad in processing the application of first petitioner for approval of the layout plan and permissible additional FAR, despite the execution of the registered sale deed and successive enquiries having failed to establish any infirmity in the allotment or transfer, cannot be sustained. The continuation of successive enquiries can also be not allowed.

78. The writ petitions are, accordingly, **allowed** in the following terms:

(i) The action of the Uttar Pradesh Awas Evam Vikas Parishad in repeatedly subjecting the allotment and transfer of land in favour of the petitioners to successive enquiries, without any adverse finding emerging from such enquiries, and in consequently withholding consideration of the petitioner's application for approval of the layout plan and permissible additional FAR, is declared arbitrary and unsustainable in law.

(ii) The respondents, particularly the Uttar Pradesh Awas Evam Vikas Parishad, are directed not to reopen the issue of entitlement of the petitioners to the land already transferred in their favour by registered sale deed and in terms of registered agreement to third petitioner, merely on the basis of the same allegations or apprehensions which have been examined in the successive enquiries and have not been substantiated.

(iii) The Parishad is directed to take up and decide the petitioner's application for approval of the layout plan and grant of permissible additional FAR on its own merits, in accordance with the applicable master plan, zoning regulations, building bye-laws and other statutory requirements, without treating the concluded allotment and transfer of land as a ground for withholding such approval and also keeping in mind the approval granted by Parishad to M/s Adarsh Nagar Pragitisheel Sahkari Awas Samiti Ltd. vide order dated 06.10.2025.

(iv) The aforesaid exercise shall be completed by the competent authority of the Parishad within a period of eight weeks from the date of production of a certified copy of this judgment.

(v) In the event the layout plan or the claim for additional FAR is found deficient on any technical or statutory ground, the Parishad shall communicate the specific deficiencies to the first petitioner by a reasoned order, affording it an opportunity to remove the same, wherever permissible in law. The decision shall not be deferred on the pretext of initiating further enquiries into the original allotment or transfer in the absence of fresh and legally relevant material.

79. It is further clarified that this judgment shall not be construed as dispensing with any statutory permission, development charge or any other requirement which is lawfully applicable to the petitioners.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

November 12, 2026
Ashish Dewal/Mahesh

Digitally signed by :-
MAHESH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench