



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1387 of 2016

La Martiniere College Lucknow Thru Its Principal

.....Petitioner(s)

Versus

State Of U.P.Thru Prin.Sevy.Deptt.Of Irrigation
Lko.And Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd.Altaf Mansoor
Counsel for Respondent(s)	:	C.S.C, Ashok Kumar Verma

Court No. - 5

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

1. Heard Shri Jaideep Narain Mathur, learned Senior Advocate assisted by Shri Aakash Prasad, Shri Yash Joshi and Ms Aishwaya Mathur, learned counsel for the petitioner and learned Additional Advocate General for the State-respondents and Shri Ratnesh Chandra, learned counsel for the Lucknow Development Authority.

2. Learned Additional Advocate General has filed an application for exemption of personal appearance of the District Magistrate as well as the affidavit of compliance of orders dated 27.2.2026, 9.3.2026 and 10.3.2026.

3. This Court by means of order dated 27.2.2026 in paragraphs no 5 to 9 had observed as under:

“In light of the above specifically considering that all the parties had agreed to get the land demarcated, let the demarcation proceedings be conducted by Sub Divisional Magistrate, Sadar, Lucknow and submit report by the next date of listing.

Let this order be communicated to District Magistrate, Lucknow who shall ensure compliance of this order.

Let the demarcation be conducted in presence of the petitioner as well as representative of the State of U.P, who shall be present and a notice in this regard shall be given to the Principal of the petitioner - institution who shall ensure presence of his nominee at the time of demarcation.

List on 9.3.2026 in top ten cases.

Office of learned Chief Standing counsel shall communicate this order to the respondent- authorities forthwith. ”

4. Subsequently the matter was listed on 9.3.2026 where this Court was informed that the previous order have not been complied and the demarcation proceedings have not been carried out. Accordingly, following directions were issued :

“4. It is in the aforesaid circumstances that this Court, by means of the order dated 27.02.2026, had noticed that previously also, on 10.08.2016 directions were issued to demarcate the land of the petitioner and again, by the previous order dated 27.02.2026, the District Magistrate, Lucknow was directed to demarcate the land of the petitioner institution.

5. Today, when the matter has been taken up, the learned Standing Counsel has informed this Court that no proceedings for demarcation has been undertaken and no plausible explanation is forthcoming as to why, despite the previous directions issued by this Court on 10.08.2016, the same have remained uncomplished till date. On the previous date also, this Court had shown its reluctance to interfere with the construction of the road and it is in this regard that orders for demarcation were passed. It seems to this Court that deliberate efforts are being made on the part of the State authorities not to demarcate the land of the petitioner institution and no reason in this regard are forthcoming. The District Magistrate ought to have the entire revenue record of the district and we see no reason as to why the said record could have been handed over to the Lucknow Development Authority. Even in case the records were with the Lucknow Development Authority, the same could have been sought by the District Magistrate, Lucknow so as to comply with the directions by this Court.

6. Accordingly, let the District Magistrate, Lucknow appear before this Court tomorrow along with his response for the non-compliance of the orders of this Court and further orders with regard to construction of road and initiation contempt proceedings shall be passed after hearing him. ”

5. It is on the directions for personal appearance of the District Magistrate the matter was taken up on 10.3.2026 and following directions / observations were made by this Court :

“11. Shri Ratnesh Chandra, learned counsel for the Lucknow Development Authority on the basis of written instructions dated 8.3.2026 has submitted that the work of said flyover has been stopped at the

moment over to land of petitioner and shall be resumed only after necessary permission is received from the trustees for construction over the land belonging to the trust.

12. In the light of the aforesaid statements, list this case on 13.3.2026 at 3:30 PM indicating the name of Shri Ratnesh Chandra in the cause list from the side of respondents.

13. As per the statement given by learned counsel for the Lucknow Development Authority further construction is stayed over the land belonging to the petitioner till the next date of listing and the District Magistrate, Lucknow shall submit the demarcation report on the next date.

14. Shri Ratnesh Chandra shall also take instructions and explain to the Court as to how the constructions of flyover was commenced without obtaining any permission from the trustees of acquiring the land belonging to the trust. ”

6. In the aforesaid circumstances the perusal of the demarcation report which has been filed contain effectively only colored satellite maps on which certain land have been earmarked where plot number of only certain plots is indicated. It is evident that the yellow lines which pertains to the land of Kothi Martinere is also incomplete in as much as on the western side the line are still going ahead in the said map without any convergence. No measurement has been taken or indicated in the map nor any gata numbers are indicated in the entire land. Neither any measurement is indicated or got done on the map or on the ground and we wonder how such an exercise has been given the colour of "demarcation". It can safely be concluded that such a report cannot be termed as demarcation report.

7. In the previous order of this Court it was noticed that the matter of demarcation of land is pending since the year 2016 and no cogent explanation are forthcoming on behalf of the respondent for gross inaction and consequently it is only when the project was undertaken the order as above were passed. We had instructed the District Magistrate to ensure proper demarcation is carried out but we are surprised and baffled to note that our directions have been totally ignored in letter and spirit. The District Magistrate has chosen not to appear today and has moved an application for exemption citing certain functions in which Central and State Ministers are participating. We are hesitantly putting on record our

serious displeasure with the intransigent and obdurate manner in which the demarcation has taken place without any material indicating that the District Magistrate who was entrusted with the task of overseeing the demarcation has even looked into the record and the report submitted before us and also the fact that the District Magistrate has deliberately chosen not to appear in the court today.

8. List this case on 16.3.2026 at 10:15 AM.

9. The District Magistrate, Lucknow is directed to appear in person on the next date of listing.

10. Learned Additional Advocate General has assured this Court that on the next date the District Magistrate Lucknow will appear,

11. Shri Ratnesh Chandra, learned counsel for the Lucknow Development Authority shall also explained as to how they commenced construction and produce documents by which the land was given to Lucknow Development Authority for construction. He shall take instructions from the Vice Chairman, Lucknow Development Authority and inform this Court on the next date of listing.

12. Interim order, if any, shall continue till the next date of listing.

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

March 13, 2026

J. K. Dinkar