ITEM NO.29 COURT NO.5 SECTION XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 37043/2026

[Arising out of impugned final judgment and order dated 01-10-2026 in WRITC No. 9839/2026 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

CITY MONTESSORI SCHOOL Petitioner(s)

VERSUS

STATE OF U.P & ORS. Respondent(s)

IA No. 322473/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT,IA No. 322474/2026 - EXEMPTION FROM FILING O.T.

IA No. 322472/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 27-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. Vinay Navare, Sr. Adv.
Mr. Manish Vaish, Adv.

Signature Not Verified
Digitally signed by CHANDRESH
Date: 2026.10.29 09:59:07 IST
Reason:

Mr. G.p. Singh Chauhan, Adv.
Mr. R. P. Gupta- 597, AOR

For Respondent(s) : Ms. Malvik Trivedi, Sr. Adv.
Mr. Ankit Yadav- 2925, AOR
Mr. Shailendra Slaria, Adv.
Ms. Sujal Gupta, Adv.
Ms. Shivangi Gulati, Adv.
Ms. Aastha Harshwal, Adv.
Mr. Raman Singh Chauhan, Adv.

Mr. Mukesh Verma, Adv.
Mr. Shashank Singh, AOr

UPON hearing the counsel the Court made the following

O R D E R

1. The issue is in a very narrow compass as to the participation of the petitioner in the proceedings before the Lucknow Development Authority (for short, 'the Authority') which has been initiated under Section 27 of the U.P. Urban Planning and Development Act, 1973 (the Act of 1973) which notice has been issued against the 5th respondent herein. The 5th respondent challenged the proceedings before the High Court, in which an order was passed, directing the writ petitioner to file a detailed response to the notice with all relevant documents and any report in their favour, upon which the Authority was given

liberty to carry out inspection by an officer of the rank not less than that of Chief Engineer/Additional Secretary within four weeks thereafter. The High Court also directed consideration of the same independently and impartially without being influenced by any further action at the behest of the CMS, the petitioner herein.

2. Mr. Kapil Sibal, learned Senior Counsel appeared for the petitioner submitted that the petitioner cannot be kept away from the hearing and the petitioner does not have any objection with respect to the other portion of the judgment, including that of an inspection and consideration to be made independently and impartially.

3. Ms. Malvik Trivedi, learned Senior Counsel appearing for the respondent, however, submitted that there is a history of the dispute between the two parties and the petitioner has been constantly trying to take over the property in the possession of the 5th respondent. It is also submitted that as of now, an order dated 21.10.2026 has been passed by the Authority in Suit No.2092 of 2025, Online Case No.LDA/Z6/ANI/2025/0006284.

4. On brief facts, it is to be noticed that a total area of 23000 sq. ft. was owned by Smt. Urmila Bhalla and Smt. Sheela Kapoor. Out of the total extent 6000 sq. ft. was leased out by the 5th respondent's predecessor, and 17000 sq. ft. was leased out by City Montessori School, the petitioner herein. There were multiple proceedings initiated for eviction of the CMS which eventually culminated in an acquisition being carried out for the purposes of the CMS. However, when such acquisition was proceeded with, the entire 23000 sq. ft. was acquired which was successfully challenged in a Writ Petition. The challenge to this Court resulted in the acquisition being upheld for 17000 sq. ft. relating to CMS, while setting it aside insofar 6000 sq. ft. While the matter was pending before this Court, the 6000 sq. ft. was also conceded to the lessee by the Government. The present proceedings were initiated at the behest of the CMS, alleging unauthorized constructions. The dispute with respect to the unauthorized construction also went through various rounds and eventually it has ended with the present notice under

Section 27 issued under the Act of 1973.

5. We need not touch upon the merits of the dispute or the allegation of unauthorized construction. Suffice it to notice that the direction was only to consider the issue independently and impartially, without being influenced by any action carried out at the behest of CMS. This is not to say that the CMS should not be heard, especially when it is on their initiative, the complaint was filed. Whether the allegation is valid or not is definitely left to the independent and impartial consideration of the Authority. But it could never have been intended that the complainant is kept away from the proceedings. The order passed on 21.10.2026 obviously is not after affording a hearing to the CMS.

6. In such circumstances, we set aside the order dated 21.10.2026 only to facilitate fresh consideration. The Authority shall issue notice both to the CMS and the 5th respondent and shall supply a copy of the reply and the Annexures produced by the 5th respondent to the CMS. If any inspection report is on record, as indicated by the

impugned judgment, then the same also shall be served on the parties. The notice shall indicate a date within one month from today and on the said date or any other date to which the hearing is adjourned, with acknowledgment personally taken from the parties or their authorized representatives who appear on the first day, the matter shall be concluded. We make it clear that we have not looked into the merits of the order passed by the High Court on 01.10.2026 and have interfered with it only on the grounds of violation of the principles of natural justice. The matter shall be considered on its own merits, in accordance with law.

7. The Special Leave Petition stands disposed of with the above directions.

8. Pending application(s), if any, shall stand rejected.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)