



2026 INSC 923

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No.11201/2026
(SPECIAL LEAVE PETITION (C) No.29619/2026)
@ Diary No. 17816/2026

LUCKNOW DEVELOPMENT AUTHORITY

APPELLANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

ORDER

- 1.** Delay condoned.
- 2.** Leave granted.
- 3.** In a writ petition¹ instituted before the High Court of Judicature at Allahabad, Lucknow Bench, the Lucknow Development Authority² had sought for relief against (i) the Union of India³ through the Secretary, Ministry of Defence, (ii) the GOC-in-C, Central Command and (iii) the Station Commander, Sub-Area, Cantonment, Lucknow. Subsequently, Swarg Ashram Shakari Awas Samiti Limited and the State of Uttar Pradesh⁴, through the Principal Secretary, Revenue, were also impleaded as respondents. It was the claim of the appellant that although it had developed a colony and had allotted plots/flats in such colony to the allottees, the officers of the UoI and the defence establishments were

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Reason:

1 Writ C No. 3639 of 1999

2 appellant

3 UoI

4 SoUP

interfering with such physical possession by the allottees claiming that the land belongs to them.

4. It is recorded in the impugned order that the High Court had made all possible efforts by requiring the officers of the appellant, the SoUP and the UoI to resolve the dispute but all such efforts proved abortive. Ultimately, *vide* the impugned order dated 19th September, 2023, the High Court dismissed the writ petition of the appellant holding that the dispute between the SoUP and the UoI cannot be decided by it; hence, liberty was granted to the parties to initiate proceedings under Article 131 of the Constitution of India.
5. It is indeed unfortunate that a writ petition, pending for nearly two and a half decades, has been dismissed by the High Court on such untenable reason.
6. In our opinion, the High Court committed a gross error in visualising the dispute as one between the SoUP and the UoI. The SoUP had not invoked the writ jurisdiction of the High Court; instead, it was the appellant which was the writ petitioner. Appellant is a creature of a statute. It is constituted under the Uttar Pradesh Urban Planning and Development Act, 1973⁵ for the planned development of the development area under its jurisdiction. Being a body corporate, owing its existence to Section 4 of the 1973 Act, the appellant cannot be equated with the SoUP. In terms of Article 131 of the Constitution of India, the Supreme Court's original jurisdiction is confined to disputes between the Government of India and one or more States. The expression 'States' in Article 131 refers to the constituent States of the Union enlisted in the First Schedule of the Constitution, as distinct from a 'State' defined in Article 12. While the

⁵ 1973 Act

appellant may fall within Article 12 as an instrumentality of the State, it is not a State for the purposes of Article 131. The jurisdiction under clauses (a), (b) and (c) of Article 131 can be invoked only by the States specified in the First Schedule, and not by any authority or instrumentality covered by Article 12. Therefore, on the very terms of Article 131, it is not open to the appellant to approach this Court in its original jurisdiction. This position in law does not admit of any doubt and, indeed, has not been disputed by Mr. K.M. Nataraj, learned Additional Solicitor General appearing for the UoI.

7. The impugned order being wholly wrong is, accordingly, set aside. The civil appeal is, thus, allowed.
8. The writ petition is remitted to the High Court for a fresh decision.
9. Since substantial time has lapsed since institution of the writ petition, we request the High Court to decide the same in accordance with law, expeditiously.
10. Pending application(s), if any, shall stand closed.

.....J.
[DIPANKAR DATTA]

.....J.
[SHEEL NAGU]

**NEW DELHI;
AUGUST 21, 2026.**