

A.F.R.

Judgment reserved on 23.09.2026
Judgment delivered on 08.10.2026



2026:AHC:210868-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – C No. - 37986 of 2026

M/S Raj Hans Towers
Private Limited

.....Petitioners(s)

Versus

State Of U.P.
And 4 Others

.....Respondents(s)

Counsel for Petitioners(s)	: Esha Chaturvedi, Prajit Chaturvedi, Varad Nath
Counsel for Respondent(s)	: C.S.C., Shiv Prakash Gupta

Court No. - 29

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE KUNAL RAVI SINGH, J.

(Per : Kunal Ravi Singh, J.)

1. Heard Shri Shashi Nandan, learned Senior Advocate, assisted by Shri Varad Nath and Shri Prajit Chaturvedi, Sri J.N. Maurya along with Shri Shiv Prakash Gupta for respondents No. 3 to 5 and learned Standing Counsel for respondents No. 1 and 2.

2. The present writ petition has been filed for the following reliefs:

“(i). Issue a writ, order or direction in the nature of certiorari quashing the impugned order II/Vyavsayik/2026-27 dated 23.05.2026 passed by the respondent no. 4, the Vice-Chairman, Meerut Development Authority, Meerut (Annexure-26 to this writ petition);

(ii). Issue a writ, order or direction in the nature of certiorari quashing the e-auction notice/advertisement of the respondent-Authority dated 25.08.2026 (Annexure-29 to this writ petition) in so far as it relates to Commercial Plot No. CP-03, Pocket-C,

(2)

WRIT – C No. - 37986 of 2026

Shraddhapuri Phase-2, Meerut, figuring at Serial No. 71 of the schedule of non-residential properties;

(iii). Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 3 to 6 to forthwith implement and give effect to the order No. Pun-341/Aath-8-26-266Pun/2025 dated 23.03.2026 passed by the Special Secretary, Housing and Urban Planning Department (Anubhag-8), Government of U.P. in Revision No. 266Pun/2025 (Annexure-24 to this writ petition), by re-computing the dues payable by the Gender-cum-auction, communicating the same to the petitioner within a time to be fixed by this Hon'ble Court and affording to the petitioner the final opportunity granted by the said order to deposit the same;

(iv). Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 3 to 6 to compute the amount payable by the petitioner in respect of Commercial Plot No. C.P.-3, Pocket-C, Shraddhapuri Awasiya Yojna, Phase-2, Meerut strictly in accordance with Clause No. 9 of the tender-cum-auction (Annexure-2 to this writ petition);

(v). Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 3 to 6 not to auction, allot, transfer, or otherwise create any third-party rights of any nature whatsoever in respect of Commercial Plot No. CP-03, Pocket-C, Shraddhapuri Awasiya Yojna, Phase-2, Meerut;

(vi). Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case;

(vii). Award the costs of the present writ petition in favour of the petitioner.”

FACTS:

3. The respondent No. 3 floated a scheme for allotment of commercial plots situated in Shraddhapuri Awasiya Yojna, Phase 2, Meerut by the e-tender-cum-auction method and published a brochure prescribing the terms and conditions of the allotment. The reserve rate for commercial plot number C.P.-3, Pocket C, Shraddhapuri, Phase 2, Meerut, ad-measuring 5000 per meter square, was fixed at ₹5,940 per meter square.

4. The petitioner participated for the aforesaid plot at the rate of ₹7,220 per meter square which was duly accepted by the respondent No. 3 by order dated 10.07.2006 and allotment/ confirmation letter was issued on 11.07.2006 calling upon the petitioner to deposit by 11.08.2006 the balance of 30% of the total premium of ₹3,61,00,000/- which was ₹1,08,30,000/-. As the petitioner had already deposited the earnest money of ₹29,70,000/-, the petitioner was required to pay the balance amount, i.e. ₹78,60,000/-

5. The petitioner thereafter deposited the allotment money and in pursuance thereof the Authority issued the allotment-cum-instalment letter whereby the balance 70% of the premium quantified at ₹2,77,74,845/-was to be deposited with 18% interest in 8 six monthly instalments within 4 years. Each instalment was of ₹50,18,203/-, the 1st falling due on 28.08.2007 and the last falling due on 27.06.2011.

6. Admittedly, the petitioner deposited a total amount of ₹2,12,50,000/- and fell in arrears regarding the other instalments to be deposited. Upon the failure to pay the instalments, the Authority issued demand letters on 08.07.2010, 20.07.2011, 31.10.2011, 30.12.2011, 22.01.2011 and 10.04.2013. However, despite the issuance of the above-mentioned demand letters, the petitioner failed to deposit the outstanding amount with the Authority.

7. The petitioner also availed the benefit of a one-time settlement scheme; however, as the petitioner failed to deposit the amount due under the one-time settlement scheme, the said scheme and its benefits also lapsed.

8. As the outstanding instalments remained due, the respondent No. 3, by order dated 19.06.2013, cancelled the allotment of the plot and also forfeited the entire amount deposited as per the terms and conditions of the brochure. The said cancellation order was communicated to the petitioner by means of a letter dated 23.07.2013, which was sent via registered post dated 24.07.2013.

9. The said cancellation letter was never received by the petitioner and the petitioner for the 1st time received the cancellation letter on 14.02.2014. The petitioner thereafter, on 20.02.2014, sent a representation to the respondent No. 3 seeking permission to deposit the balance amount with interest and the restoration of the cancelled plot. Thereafter, on 21.02.2014, another representation was filed before respondent No. 3 seeking restoration of allotment of the aforesaid commercial plot.

10. The petitioner thereafter started the 1st round of litigation being Writ C No. 12751 of 2014 inter alia seeking the following reliefs:

“(i) To issue a writ, order or direction in the nature of mandamus calling for the record the order dated 19-06-2013 passed by the Respondent No. 2 and to quash the same;

(ii) To issue a writ, order or direction in the nature of certiorari quashing the consequential impugned order dated 23-07-2013 passed by the Respondent No. 4 (Annexure No. 15 to this petition).

(iii) To issue a writ, order or direction in the nature of mandamus directing the Respondents not to create any third party right over the property in question i.e. Plot No. C/P-3 Pocket-C, Phase-2 Shraddhapuri, Meerut;

(iv) To issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case;

11. The said writ petition came to be dismissed by order dated 27.02.2014. A copy of the order is reproduced below:

“The petitioner had opted for the allotment of a plot. The petitioner admittedly is a defaulter as he did not make the payments. The prayer made in this writ petition is that the cancellation order be set aside which is dated 19.6.2013. A consequential order dated 23.7.2013 intimating the same and forfeiting the amount deposited by the petitioner has also been challenged.

The fact that the petitioner under the one time settlement offered by the Meerut Development Authority has not availed of it, is undisputed. In the circumstances,

there is absolutely no reason or any logical conclusion which can be drawn for the purpose of interfering with the impugned orders, as the petitioner has to blame itself for the same.

Sri Anurag Khanna then submits that the petitioner is ready with a cheque of Rs. 50 lakhs and that the petitioner be given the said plot together with interest payable on the amount which was due. There is no relief claimed to that effect as well so as to allow any indulgence to the petitioner.

The question of revival of the plot also cannot be considered inasmuch as it is stated at the bar that the same plot has been again put to auction scheduled to be held tomorrow.

Consequently, it appears that the petitioner has rushed up at this moment in spite of the fact that the impugned orders had been passed in June and July, 2013 to somehow forestall the auction. We are not inclined to entertain this writ petition under Article 226 of the Constitution of India without prejudice to the rights of the petitioner to participate in the auction. Rejected.”

12. Against the order dated 27.02.2014, the petitioner preferred Special Leave to Appeal (C) No. 18169 of 2014 before the Supreme Court which also came to be dismissed by the Supreme Court by its order dated 12.09.2014.

13. Before the order dated 12.09.2014, the petitioner submitted a representation dated 19.06.2014 before the respondent No. 3 for restoration of the allotment attaching a demand draft of ₹50,00,000/- and cheque of ₹1,00,00,000/- to demonstrate its ability to clear remaining dues. However, the said representation came to be rejected by means of a letter dated 19.07.2014 wherein it was stated that the plot cannot be restored at the earlier rates and the plot is now being auctioned again pursuant to the cancellation of the earlier allotment.

14. Thereafter, in pursuance of the 103rd Board Meeting of the Authority held on 06.09.2014, the petitioner again filed a representation dated 08.01.2015 seeking refund of the deposited amount for the commercial plot. The prayer in the representation was to refund the balance amount after deducting the requisite charges of the strongest amount in light of the resolution of the 103rd meeting of the Authority.

15. As no decision was forthcoming on the representation dated 08.01.2015, the petitioner started the 2nd round of litigation being Writ C No. 32522 of 2015 with the following prayer:

“Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 to release the entire deposited amount with 18% interest in favour of the petitioner, which has been deposited by the petitioner on various dates for allotment of commercial/residential plot no. C/P-3 at Shradhapuri, Phase-2, Awasiya Yozna, Pocket-C, Meerut.”

16. The said writ petition was dismissed by means of order dated 28.05.2015. The said order is reproduced below:

“The petitioner Raj Hans Towers is before us through his counsel Sri Romeshwari Prasad, Advocate, and his submission before us is that as far as revival of residential plot in question is concerned, the said chapter has certainly attained finality, after decision of this Court has been affirmed by the Apex Court in Special Leave to Appeal (C) No. (s) 18169 of 2014 (Ra) Hans Towers Pvt. Ltd. Vs. State of U.P. and others) but his submission is that Meerut Development Authority has proceeded to pass a resolution in its 103rd board meeting dated 6th September, 2014, taking a policy decision in reference to the return of money. Petitioner submits that once policy decision has been taken then the amount in question deposited by them as per policy decision is liable to be returned and as such Meerut Development Authority should take some decision in this regard.

Sir B. Dayal, Advocate, has submitted that once an appropriate application is moved by the petitioner, then the same would be considered.

Consequently, in the facts and circumstances of the case, in case, such an application has been moved by petitioner and the same is pending before Meerut Development Authority, Meerut, then, Vice-Chairman, Meerut Development Authority, Meerut, is directed to consider the said application and pass an appropriate order, in accordance with law, preferably within next three months from the date of production of a certified copy of the order.

With the aforesaid observations, the writ petition is disposed of.”

17. In pursuance of the order dated 28.05.2015, the respondent no. 3 passed the order dated 07.11.2015 dismissing the representation of the petitioner, holding that the forfeited amount cannot be returned to the petitioner.

18. The aforesaid rejection order came to be challenged by the petitioner by the 3rd round of litigation being Writ C No. 14917 of 2016 which also stood dismissed by means of order dated 06.04.2016 holding as follows:

“.....

We, accordingly, see no reason on the basis of which any exception can be taken to the rejection of the representation submitted by the petitioner. Once the challenge to the forfeiture had attained finality by way of dismissal of a writ petition as well as a special leave petition and the forfeiture had been effected much before the Board's resolution, no fault can be found in the rejection of the representation submitted by the petitioner.”

19. Unfazed by the earlier rounds of litigation which resulted in dismissal of various writ petitions, the petitioner started a fresh round of litigation challenging the order dated 19.07.2014 by means of which the restoration at the allotted rates was held to be impermissible. The petitioner filed a revision invoking the powers of section 41(3) of the Uttar Pradesh Urban Planning and Development Act, 1973 (*hereinafter referred to as the 1973 Act*). The said revision came to be allowed by means of order dated 27.11.2018 and by means of the said order, the order dated 19.07.2014 was set aside, and further direction was issued to re-hear the representation of the petitioner dated 19.06.2014 after giving due opportunity of hearing to the petitioner.

20. In pursuance of the order dated 27.11.2018, the respondent No. 3, by means of order dated 22.03.2023, dismissed the representation dated 19.06.2014 of the petitioner.

21. The petitioner aggrieved by the order dated 27.11.2018 preferred another revision before the State government under section 41(3) of the 1973 Act. The said revision came to be allowed by means of order dated 31.05.2023. The matter was remanded back respondent No. 3 to rehear the matter again in light of the observations made in the order of the revisional Authority.

22. The respondent No. 3 vide order dated 14.09.2023 again dismissed the representation of the petitioner and upheld the order dated 19.06.2013. The representation dated 05.06.2023 was dismissed, and further directions were issued to auction the commercial plot by initiating fresh proceedings.

23. The order dated 14.09.2023 was subjected to another revision before the State government and the revisional Authority by means of its order dated 31.05.2024, allowed the revision and directed the respondent No. 3 to re-hear the matter after giving due opportunity of hearing to the petitioner in accordance with the terms and conditions of the brochure.

24. The respondent No. 3, in light of the remand order dated 31.05.2024, again re-heard the matter afresh and by means of order dated 26.11.2025 again rejected the representation. It was further held that the orders dated 19.06.2013 and 14.09.2023 do not require any interference and all the representations filed by the petitioner stand rejected. Furthermore, the property shall be subjected to auction again in fresh proceedings.

25. The order dated 26.11.2025 was again challenged by means of another revision before the State government which ultimately allowed the revision by means of order dated 23.03.2026 and set aside the order dated 26.11.2025 with a further direction to respondent no. 3 to recalculate the total amount due as per the terms and conditions of the allotment letter along with applicable interest and thereafter the petitioner is to be provided one final opportunity to make the final payment as calculated above.

26. In pursuance of the order dated 23.03.2026, the petitioner filed a representation dated 15.04.2026 before the respondent No. 3 as well as the Secretary of the Authority. In the representation it was prayed to comply with the order of the State government dated 23.03.2026 with the further warning that if the order is not complied with then the petitioner will not hesitate in filing a petition for contempt in the High Court.

27. The said representation came to be dismissed by means of order dated 23.05.2026 by the respondent No. 3 holding that the earlier orders dated 19.06.2013 and 14.09.2013 do not require any interference. Furthermore, the property be auctioned afresh after initiation of new proceedings for auction.

28. Aggrieved by the order dated 23.05.2026, the petitioner again referred a revision before the State Government in which on 05.06.2026, notices were issued to respondent No. 3. However, by means of application dated 11.06.2026 the petitioner prayed to conclude the said revision as not pressed and thereafter the revisional Authority concluded the revision. The said revision stood withdrawn as not pressed by means of order dated 30.06.2026.

29. After getting the revision concluded as not pressed, the petitioner filed the present petition against order dated 23.05.2026 for the aforementioned reliefs.

PETITIONER'S SUBMISSION:

30. Shri Shashi Nandan, learned senior advocate on behalf of the petitioner, made the following submissions to challenge the impugned order:

(i) The earlier two writ petitions were not concerned with the restoration of the plot. Writ C No. 12751 of 2014 was filed challenging the cancellation order as well as the consequential order of forfeiture of the money deposited. Similarly, Writ C No. 32522 of 2015 was filed with regard to refund of the deposited amount in light of the 103rd Board meeting of the Authority. Both the writ petitions did not concern themselves with the restoration of the allotment as per the terms and conditions of the brochure.

(ii) The petitioner had filed the application for restoration of the plot within a period of one month from the date of receiving the cancellation order. The petitioner received the cancellation order on 14.02.2014, and the

application for restoration of the plot was filed on 21.02.2014, which is within 30 days as per the terms and conditions of the brochure to get the restoration.

(iii) The Authority has refused to obey the order passed by the State Government exercising its revisional powers under section 41(3) of the 1973 Act. The order passed by the State Government was never challenged before any higher forum and has become final as to the directions contained in the said order. The respondent No. 3 has to comply with the directions issued in the order passed by the revisional Authority, and there could be no deviations with regard to the execution of the directions contained in the said order.

(iv) The respondent No. 3 does not have any authority to proceed with fresh auction once the revisional Authority has directed for recalculation of the amount due along with applicable interest and provided a final opportunity for payment of the same. The respondent No. 3 is bound to comply with the directions in the absence of the order passed by any higher Authority.

(v) The petitioner was never informed about the cancellation order in time, and when the petitioner received the cancellation order on 14.02.2014, immediately thereafter the restoration application was filed and thereafter the demand draft of ₹50,00,000/- and a cheque of ₹1,00,00,000/- were deposited with the Authority to show its willingness to clear the defaulted amount.

(vi) The petitioner had applied for restoration of the allotment by means of representation dated 20.02.2014 and 21.02.2014 within one-month as was required by clause 13 of the scheme brochure. Therefore, the various orders passed by the respondent No. 3 finding that the restoration was time-barred are patently perverse and arbitrary in law.

(vii) The various remand orders by the revisional Authority clearly go to show that the respondent No. 3 was acting arbitrarily in treating the

application for restoration as time-barred and ultimately, by means of order dated 23.03.2026, the revisional Authority directed for calculation of the defaulted amount along with interest and gave a further direction to provide one opportunity to the petitioner for the calculated amount. The directions were never complied with by the respondent No. 3, and as such, all the action of the respondent No.3 in treating the restoration application as time-barred and then putting the plot for auction is arbitrary and perverse in law. It goes beyond the doctrine of judicial discipline by which a quasi-judicial Authority has to comply with the directions of the superior Authority. Reliance has been placed upon the judgment of the Supreme Court in *In Re order of Punjab and Haryana High Court dated 17.07.2024 and Ancillary issues*; ¹.

(viii) The brochure itself gave two options for which the cancelled plot could have been challenged. First was the setting aside of the order of cancellation, challenging the legality of the cancellation order, and the second was restoration of the cancelled plot under the terms of the brochure. The two remedies are completely distinct from each other, and at no point in time was the remedy of restoration of the plot ever finalised, as in the earlier writ petitions, the challenge was to the order of cancellation of the plot and the forfeiture of the deposited amount.

(ix) The alternate remedy of filing the revision, which in fact was filed by the petitioner against the order dated 23.05.2026, was not a bar to filing the present writ petition as the petitioner had already been benefited by the order of the revisional Authority which created a valuable right in its favour. The bar would not be applicable when the impugned order was passed without jurisdiction.

RESPONDENTS 3 TO 5 SUBMISSIONS:

31. Shri J.N. Maurya, learned Counsel for respondents 3 to 5, made the following submission to refute the arguments on behalf of the petitioner.

¹2024 INSC 594

(i) The petitioner filed a revision against the order dated 23.05.2026 before the State Government under section 41(3) of the 1973 Act. The said revision came to be dismissed as “*not pressed*” before the revisional Authority and therefore the rule of public policy would be applicable in the present case, and the present writ petition is liable to be dismissed as not maintainable.

(ii) The question of revival of the plot, forfeiture of the plot and the refund of the money deposit has all been considered by the High Court at relevant stages, and the writ petitions have been dismissed holding that there is no question of revival of the allotment. In the earlier orders passed in Writ C No. 12751 of 2014 as well as Writ C No. 32522 of 2015, the Court had categorically recorded that the question of revival of the said plot had attained finality. Therefore, there is no question with regard to revival/ restoration of the plot.

(iii) The challenge to the order dated 19.07.2014 by means of a revision was a misconceived revision. The petitioner, after the said order, had filed an application dated 08.01.2015 asking for refund of the deposited amount in light of the 103rd Board meeting of the Authority. In the writ petition filed to seek a mandamus to decide the refund application, the counsel for the petitioner has categorically stated that there is no question of revival of the plot and the only question remaining was to decide the refund application.

(iv) The petitioner did not have any locus to maintain the four successive revisions as the petitioner did not challenge the order dated 19.07.2014 by means of any earlier writ petitions. The order of refusal dated 19.07.2014 to restore the allotment was available with the petitioner when Writ C No, 32522 of 2014 was filed in which only the prayer for refund of the amount deposited was pressed in light of the 103rd Board Meeting.

(v) The impugned order passed by respondent no. 3 is justified in so much as the cancellation, refund and revival of the plot have been negated by the High Court as well as the Supreme Court.

RESPONDENT No. 1 SUBMISSIONS:

32. Mr. Ambrish Shukla, Additional Chief Standing Counsel appearing for respondent No. 1 has adopted the arguments made on behalf of the Authority. He has submitted that the impugned order suffers from no illegality and, as such, no interference is required.

POINT OF DETERMINATION:

33. The only issue to be decided at this stage is whether the writ petition is not maintainable because the impugned order was challenged by means of revision by the petitioner, which later was withdrawn as “*not pressed*” by the petitioner?

DISCUSSION:

34. As the question of maintainability of the writ petition has been raised by the learned counsel for the respondent Authority, the issue is being decided at the admission stage itself after exchange of written arguments.

35. The admitted facts that come to the fore are that the commercial plot allotted to the petitioner was cancelled by means of order dated 19.06.2013 and the forfeiture of the amount deposited took place on 23.07.2013. Both the orders were challenged by filing Writ C No. 12751 of 2014, which came to be dismissed by the order dated 27.02.2014. The Special Leave to Appeal (C) (hereinafter referred to as SLP) also stood dismissed against the order dated 27.02.2014. This closed the chapter regarding the challenge to the cancellation order as well as the forfeiture order. Thereafter, by means of Writ C No. 32522 of 2015, the petitioner sought a writ of mandamus regarding refund payable to the petitioner considering the resolution passed in the 103rd Board meeting of the Authority. The said petition was disposed of with

directions to decide pending applications regarding refund of the money deposited in terms of the allotment letter. However, perusal of the order shows that upon the statement being made by the learned counsel for the petitioner, the question of revival stood closed and the prayer was confined only to a decision on the application submitted for the refund of the money. As the application for refund of money was rejected, the petitioner filed Writ C No. 14917 of 2016, which too was dismissed by means of order dated 06.04.2016. Thus, the chapter regarding refund of money also concluded with the dismissal of the writ petition.

36. Now the question of the restoration of the plot in light of clause 13 of the brochure was agitated by the petitioner in 2018 by challenging the order dated 19.07.2014 (by which the application dated 24.06.2014 was rejected which deposited a demand draft of ₹50,00,000/- and a cheque of ₹1,00,00,000/- with the Authority) by means of revision before the State Government under section 41(3) of the 1973 Act. The successive remands by the revisional Authority and its equally successive dismissals of the representation of the petitioner and confirmation of order dated 19.06.2013 and 14.09.2013 by the respondent no.3 ultimately resulted in the order dated 23.03.2026 by which the revisional Authority directed the respondent 3 to recalculate the amount due with interest and give one final opportunity to the petitioner to deposit the same. However, the respondent 3, in its wisdom, chose not to comply with the directions and then proceeded to pass an order upholding its earlier orders dated 19.06.2013 and 14.09.2013. Aggrieved, the petitioner again approached the revisional Authority but instead of pressing the revision and again obtaining a favourable order, chose to withdraw the revision as “*not pressed*” by filing an application for withdrawal dated 11.06.2026. On the said application, the revisional Authority allowed the revisional proceedings to be finalised as “*not pressed*” on 30.06.2026.

37. The present petition has been filed challenging the order dated 23.05.2026 by the respondent 3 as well as seeking implementation of the order dated 23.03.2026 of the revisional Authority. The other prayer is regarding quashing the auction notice for the commercial plot.

38. Learned counsel for the respondent Authority has stressed upon the fact that the present petition is not maintainable and before the Court examines the validity of the order dated 23.05.2026, the question of maintainability must be seen because if the objection about maintainability is upheld then the writ petition is liable to be dismissed.

39. Considering the above submission, the Court has proceeded to examine the issue of maintainability on the ground that the revisional proceedings were finalized as “*not pressed*”. It is not in doubt that the order dated 23.03.2025 was challenged by the petitioner by filing a revision as per section 41(3) of the 1973 Act. The revision was then not pressed. A perusal of the order shows that the revision was allowed to be finalized as not pressed with no further relief being asked for. The pertinent question that this Court will need to answer is whether the finalization of the revision against the order of respondent No. 3 as “*not pressed*” would preclude the petitioner from again challenging the order of respondent No. 3 as the Rule of public policy would be applicable in the present case.

40. The Rule of Public Policy is based upon a ban on filing a fresh suit if the earlier suit has been abandoned. The principle is enshrined in Order XXIII Rule 1 to 4 of the Code of Civil Procedure. The issue as to whether the rule applies to writ jurisdiction under Article 226 is no longer *res integra* and has been settled in *Sarguja Transport Services vs State*; ²as well as *Upadhyay & Co. vs. State of U.P. and others*; ³. In *Sarguja (supra)*, the issue was with regard to withdrawal of the writ petitions; however, the underlying principle which prompted the Court to invoke the Rule was that “*who waives, abandons or disclaims a right will lose it*”. The intention was always to prevent the litigant from instituting a case again and again on the same cause of action without any good reason. Further, the Court also held that “*it is plain that when once a writ petition filed in the High Court is withdrawn by the petitioner himself he is precluded from filing an appeal against the order passed in the writ*

2. (1987) 1 SCC 5

3. (1999) 1 SCC 81

petition because he cannot be considered as a party aggrieved by the order passed by the High Court.”

In *Upadhyay & Co. (supra)*, the petitioner challenged an order of the High Court dated 03.05.1996 by filing an SLP. During the pendency of the SLP, the petitioner also filed a second writ petition challenging the subsequent order passed by the Commissioner as per the directions given in the order dated 03.05.1996. The SLP was later withdrawn, and upon dismissal of the second writ petition, the order dated 03.05.1996 as well as the order dated 10.09.1997 (second writ petition) were challenged by an SLP. The Supreme Court while rejecting the same held that Rule of Public Policy is applicable as enshrined in Order XXIII to SLP as well and rejected the SLP on this ground amongst other ground. In *Satheesh V.K. vs. the Federal Bank Ltd.*⁴ the Supreme Court held that once the SLP is withdrawn, then no further SLP against the same order would lie as withdrawal constituted abandonment of the remedy.

41. Coming to the admitted facts of the case, we see no reason as to why the Rule of Public Policy cannot be made applicable in the present case. The petitioner having failed to obtain a favourable order from the Authority in light of the order dated 23.03.2026 passed by the revisional Authority, challenged the order of the Authority by means of a revision. The revision is a statutory remedy as available under section 41(3) of the 1973 Act. It reads as follows:

“41. Control by State Government.-

(1)

(2).....

(3) The State Government may, at any time, either on its own motion or on application made to it in this behalf, call for the records of any case disposed of or order passed by the [Authority or the Chairman) for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit: Provided that the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

(4).....”

4. 2025 INSC 1140

Thus, the State Government has the powers to pass such orders or issue such directions as it may think fit in the circumstances of the case. The jurisdiction of the State Government is not limited when examining the order passed by the Authority.

42. Once the revision was filed and notices were issued, then it is to be presumed that the revisional Authority was seized with the matter. It is not the contention of the learned senior advocate for the petitioner that the revisional Authority did not have the jurisdiction to set aside the order of the Authority once again. On four separate occasions, the petitioner prevailed to get the orders passed by the Authority to be set aside with a fresh opportunity to the petitioner of being heard. We see no reason as to why the petitioner would not have succeeded in getting the order set aside a fifth time if the revision had been allowed to run its course. What the order could have been can only be speculated about and is certainly not the subject matter of the present dispute. But by withdrawing the revision as “*not pressed*” a completely new set of circumstances have arisen which do not favour the petitioner.

43. In *Sarguja (supra)*, *Upadhyay & Co (supra)* and *Satheesh V.K.(supra)* the Supreme Court declined to entertain the petitions by invoking the Rule of Public Policy on the ground that once a claim has been abandoned, waived or not pressed before a competent forum then the petitioner shall not be entitled to raise it again before any other forum. Though the other three cases discussed, concerned situations in which writ petition and SLP were withdrawn, we see no reason as to why the same principle cannot be applied in the present case where the statutory remedy has been withdrawn, and then a writ petition has been filed. If the statutory forum had no jurisdiction to entertain the revision, then the position would have been different, but in the present case, the statutory forum has the necessary legislative mandate to examine the issue of alleged non-compliance. In another scenario, if the petition had been filed without availing the statutory forum, then it would have been the discretionary jurisdiction of this Court to entertain the writ petition under Article 226 of the Constitution of India. In the present case,

once the revision has been withdrawn as attained finality as “*not pressed*”, then the only conclusion this Court can draw is that the petitioner has waived/ abandoned his claim regarding the challenge to the order dated 23.05.2026 as the order dated 23.05.2026 was directly challenged in the revision as well. We would be remiss in our exercise of discretionary jurisdiction under Article 226 if the Rule of public policy was not invoked to dismiss the present petition. Consequently, the writ petition is held as not maintainable.

ANSWERS TO THE POINTS OF DETERMINATION:

44. Regarding as to whether the writ petition is not maintainable because the impugned order was challenged by means of revision by the petitioner which later was dismissed as “*not pressed*” by the petitioner the issue is answered the affirmative holding that the writ petition is not maintainable.

CONCLUSION:

45. In light of the findings given above, the writ petition is without merit and accordingly **dismissed**. There shall be no order as to cost. However, if so advised, the petitioner may pursue his remedy before the appropriate forum in accordance with law.

(Kunal Ravi Singh, J.) (Siddhartha Varma, J.)

October 8, 2026

Sumit S