



2026:AHC-LKO:73961-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 9961 of 2026

Mohd. Naeem And 5 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Medical Health Deptt. Lko.
And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Chaudhary, Pradeep Tiwari
Counsel for Respondent(s)	:	C.S.C., Rohit Tripathi

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard learned counsel for the parties.
2. This writ petition has been filed by the petitioners for the following reliefs
:

"(i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 31.07.2026 passed by opposite party no.2 (Contained in Annexure No.1).

(ii) Issue a writ, order or direction in the nature of Mandamus directing the opposite party no.2 and 3, not to take any coercive action against the petitioners such as, evicting from or demolishing, the petitioners from their shops in pursuance of the impugned order dated 31.07.2026 passed by opposite party no.2 (contained in Annexure no.1)."

3. It is the case of the petitioners that they are small shopkeepers who were allotted shops by the Sitapur Eye Hospital Society, Faizabad on a lease basis for a term of thirty years in the year 2000. The details of the shops allotted to them are given in the chart appended to paragraph 6 of the writ petition.
4. It has been submitted on behalf of the petitioners that the aforesaid shops were allotted to them in terms of the Sitapur Netra Chikitsalaya Complex Niyamawali (hereinafter referred to as the "Niyamawali"), which provided for registration upon payment of a registration fee of Rs.500/-. The said rules further provided for the payment of Rs.25,000/- towards security for the

allotment after the construction of the shops by the Sitapur Eye Hospital, Faizabad. The premium of minimum reserved price of Rs.80,000/- was fixed and the allotment of shops was made on the basis of auction. The petitioners were handed over the possession of the shops as they completed all formalities vide possession letter dated 28.02.2000.

5. A bare perusal of possession letter indicates that the rent was payable with effect from 01.03.2000 and other conditions had to be governed by the Niyamawali. The Niyamawali, in turn, provided that the allotment of shops would be considered to be a leasehold for thirty years, renewable after every thirty years.

6. It is surprising that without determining the leases of the petitioners, District Magistrate, Ayodhya issued a notice dated 26.06.2025 stating therein that the land in question situated at Sitapur Eye Hospital, Faizabad along with the shops allotted to the petitioners had been transferred to the Department of Health and Family Welfare and accordingly, requiring the petitioners to vacate the shops within a period of fifteen days.

7. Earlier, the petitioners filed Writ-C No.6771 of 2025 after being served with the notice, which was disposed off with a direction for deciding the representation of the petitioners and for maintaining the status quo till a decision is taken by the District Magistrate, who is also the President of the Sitapur Netra Chikitsalaya Samiti. The District Magistrate, Ayodhya decided the representation vide impugned order dated 31.07.2026 in which it has been admitted that the leasehold shops were allotted to the petitioners as per the Niyamawali, but as the land was required for a 300 bed super specialty hospital, the land has been transferred vide Government Order dated 10.04.2024 to the Department of Health and Family Welfare and the petitioners had no right to continue with shops allotted to them.

8. It is surprising that despite the petitioners having been allotted the shops and having acquired the status of lessees in accordance with the rules governing such allotments, they have been asked to vacate the premises without determination of their leases or any proposal to rehabilitate or compensate them for their eviction from the premises. Such conduct on the part of the respondents is highly condemnable and cannot be appreciated as the action of the respondents adversely affects the right of the petitioners towards their livelihood and is violative of Articles 19 and 21 of the Constitution of India.

9. We are conscious of the fact that the construction of a 300 bed super

specialty hospital is in the public interest, but it is also equally important that the petitioners, who were carrying on the business earning their livelihood, cannot be thrown out without making any alternative arrangement for their rehabilitation or compensating them for the loss.

10. Let a counter affidavit be filed within a period of three weeks indicating the steps proposed to be taken for the rehabilitation of the petitioners or for compensating them in lieu of the shops allotted to them from which they have been arbitrarily evicted and the shops have also been demolished. The Counter affidavit shall be filed by an officer not below the rank of Secretary, Medical and Health Department.

11. Rejoinder affidavit, if any, may be filed within a period of two weeks thereafter.

12. List this case on 16.11.2026 as a fresh case.

October 12, 2026
Mahesh

(Amitabh Kumar Rai,J.) (Shekhar B. Saraf,J.)