

Government of UP  
Industrial Development Department; Section -4  
No. 3191/ 77-4-25 /185Appeal/24  
Lucknow: Dated 26.6.2025

Dinesh Tyagi                .....        Revisionist  
Vs  
NOIDA Authority                .....        Respondent

1. The instant revision has been filed against the impugned order dated 04-11-2024 passed by the Respondent Authority. In Writ Petition No WC 19062/2025 on 04-06-2025, Hon'ble High Court disposed of the writ petition with a direction to Revisional Authority to hear and decide the interim application in the pending revision within 15days. Heard Mr. Dinesh Tyagi on behalf of Revisionist and Shri Sanjay Khatri, ACEO NOIDA on behalf of Respondent Authority; both being present in person.
2. The main contention on behalf of Revisionist is that the land in question (plot numbers 198, 199 & 168 in Village Wajidpur) is an Abadi land; part of which is in the ownership of the Revisionist and that the construction in the property are old constructions; which had been left out of the acquisition process. Since there is no new construction the eviction proceedings of the Respondent Authority are illegal, all the more so since an interim injunction has been granted in favour of the Revisionist by the learned Civil Judge of the Gautam Budh Nagar Court. It has been prayed that the impugned order of the Respondent Authority dated 04-11-2024 be set aside. Three issues arise for determination in order to decide upon the instant Revision petition: -
  - i) Whether the plots in question have been notified under the UP Industrial Development Act 1976 and therefore are within the jurisdiction of the Respondent Authority, in so far as the Regulation of Building operations?
  - ii) Whether the ownership of the land in question belongs to the Revisionist and even if so, whether he was required to seek permission of the Respondent Authority before constructing the multi storied structures.
  - iii) Is the construction that is sought to be demolished and against which eviction proceedings have been resorted to by the Respondent Authority has been undertaken recently?

3. With regard to the first issue, the Respondent Authority has placed on record the UP-Government notification dated 11-7-1989, where in the village Wajidpur appears at serial number 9 as having being notified. It was submitted by the authority that the entirety of the 748 acres of agricultural land of the village as per the Khatauni of 1408 Fasli, inclusive of the land that is the subject of this petition, was part of the above notification. Revisionist submitted no other proof that the land in question has not been notified as an Industrial Area under the jurisdiction of the Respondent Authority save a catena a judgement from the local SDM court declaring the said land to be Abadi. While we will examine the legal implications of these orders in the succeeding paragraphs, the claim of the Revisionist that the disputed land does not fall within the jurisdiction of Noida Authority; clearly cannot be sustained in the face of the notification cited above.
4. It is admitted by Noida Authority that the entirety of Khasra numbers 168, 198, 199 have not been acquired and that the possibility of some portion of these khasras numbers being in the ownership of the Revisionist cannot be precluded. However, the issue that needs determination is whether the ownership of the land and its declaration as Abadi automatically permits the Revisionist to raise new construction on the said plot without permission of the Authority. Perused the provisions of UP Industrial Development Authority Act 1976. Section-6, 1(g) empowers the Authority *"to regulate the erection of buildings and setting up of industries and land uses as per master plan."* Section 9 (1) of the Act stipulates as under *"No person shall erect or occupy any building in the industrial development area in contravention of any building regulation notified by the Authority with approval from the State Government."* It is thus clear that no building can be constructed in the industrial development area without prior permission of the Authority regardless of ownership status of the land. The fact that the land in question has been declared as Abadi by SDM, does not entitle the Revisionist to raise new constructions even on his own land without taking due permission of the Respondent Authority as per the existing building regulations. It may not also be out of place to note **that section 17 of UPIDA has an overriding effect** and the permissions granted by any other Authority under any UP-Government Act shall with effect from the date of issue of such notification (i.e., 11.7.89) be subordinate to the orders issued by the Respondent authority in this regard. As such, no exemption from seeking prior permission of the Authority to erect fresh construction can be claimed by the Revisionist on grounds of ownership of the land.
5. The final question that needs to be determined is whether the construction is prior to the date of notification or is postdated. The


Authority submits the satellite images from Google Earth of the plot in question for the years 2022, 2023 & 2024. It is clear from the satellite imagery that massive fresh construction efforts on the plot in question have been undertaken by the Revisionist sometime after 15-10-2023. There is no evidence submitted on behalf of the revisionist that they had sought the obligatory building permissions from the Respondent Authority, as was required under the law and existing regulations. Since the plot in question became the part of the industrial development area as early as on 11-7-1989, clearly the Revisionist is in breach of the provisions of the UP Industrial Development Act.

6. In view of the observations above, I find no reason to interfere with the impugned order of the Respondent Authority. Revision is accordingly dismissed.

Sd/-  
(Alok Kumar)  
Principal Secretary

Letter No. 3191/ 77-4-25 /185Appeal/24 Dated:

1. Chief Executive Officer, Noida
2. Mr Dinesh Tyagi.
3. Director I.T. Invest U.P. – to upload it on Department's website
4. Guard File.

Order by  
  
(Jaivir Singh)  
Joint Secretary

