

Why bulldozers threaten due process

The Allahabad High Court examines whether demolitions carried out immediately after FIRs violate constitutional principles, stressing that punishment lies exclusively with the judiciary; it warns that such selective demolitions, carried out without notice

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With five-pointed questions recently, the Allahabad High Court has laid bare bulldozer justice. Punitive demolitions transform executive discretion into punishment without due process. In a constitutional democracy, coercive state power is expected to follow a predictable sequence: allegation, investigation, adjudication, and only thereafter sanction. Yet, in recent years, Uttar Pradesh has witnessed a troubling administrative trend popularly described as ‘bulldozer justice’, in which properties linked to persons accused of crimes are demolished shortly after incidents of alleged wrongdoing.



Courts have repeatedly been called upon to examine whether demolitions carried out immediately after the registration of criminal cases conform to constitutional principles. In 2024, the Supreme Court intervened to delineate the boundaries of lawful action, issuing explicit directions against punitive demolitions. However, the recurrence of such practices indicates that the tension between executive discretion and constitutional restraint remains unresolved.

Present episode

The latest instance reached the Allahabad High Court when a family from Hamirpur district sought protection against the threatened demolition of their residence and commercial premises following the registration of charges against a relative. The petitioners themselves were not implicated, yet municipal notices were issued and some properties were sealed soon after the FIR.

The Division Bench noted that such sequences were becoming increasingly routine. It reaffirmed the foundational principle that punishment lies exclusively within the domain of the judiciary and cannot be assumed by administrative authorities. To examine the legality of the action, the court framed five substantive questions, including whether such demolitions violated Supreme Court directions and infringed the guarantees of equality and life under Articles 14 and 21 of the Constitution.

A careful appreciation of the statutory framework is essential. Laws such as the Uttar Pradesh Municipal Corporation Act, 1959, and the Uttar Pradesh Urban Planning and Development Act, 1973, empower authorities to remove unauthorised constructions. These powers, however, are circumscribed. Demolition is permitted only through a structured process; authorities must first identify a violation, issue a written notice detailing the grounds, provide a reasonable opportunity to respond, consider objections, and then pass a reasoned order.

Most statutes also allow appeals and possibilities of regularisation, showing that demolition is intended as a regulatory measure of last resort rather than an instrument of instant action. Equally important is the limited purpose of these laws: municipal statutes regulate buildings and land use; they do not determine criminal culpability. The registration of an FIR neither renders a structure illegal nor justifies accelerated enforcement.

The court's guidance

The Supreme Court addressed this precise concern in the *Re: Directions in the Matter of Demolition of Structures* (2024 INSC 866) case and categorically held that property cannot be demolished merely because its owner is accused of an offence. The court reinforced that criminal guilt must be established through adjudication alone. Municipal powers cannot be transformed into parallel instruments of punishment; permitting such use would undermine both the presumption of innocence and the integrity of the justice system.

State authorities often contend that demolitions are independent exercises under municipal law. While the existence of such power is not in dispute, constitutional analysis looks beyond form to substance.

Administrative law describes this as a colourable exercise of power — the use of a lawful instrument to achieve an impermissible objective. These practices erode the separation of powers by allowing the executive to impose consequences that only a court may authorise. The deprivation of a home or livelihood based on suspicion alone is incompatible with constitutional governance.

Larger implications

The Allahabad High Court's questions highlight enduring issues: Can the mere apprehension of demolition infringe fundamental rights? What standards should guide preventive judicial intervention? What mechanisms ensure accountability exists when municipal powers are misapplied?

These are not abstract concerns. Demolitions inflict immediate and often irreversible harm on families who may ultimately be found innocent. Beyond individual hardship, they corrode public confidence in impartial governance.

A necessary balance

No city can function without enforcing building regulations. Yet that authority must remain strictly within constitutional boundaries. Selective or exemplary demolitions convert regulatory power into punitive action and breach administrative neutrality.

The Constitution guarantees that no person shall be deprived of property except by procedure established by law, notice, hearing, reasoned decision, and judicial oversight. When

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THE GIST

The Allahabad High Court examined whether municipal action taken in close proximity to criminal proceedings reflects a pattern of administrative overreach and a colourable exercise of power.

Referring to safeguards under the Uttar Pradesh Municipal Corporation Act, 1959 and the Supreme Court ruling, the Bench underscored that demolition is a regulatory measure of last resort, not an instrument of exemplary action.