

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.366 of 2017

Pradeep Topwal & othersPetitioners

Versus

State of Uttarakhand & othersRespondents

With

Writ Petition (M/S) No.367 of 2017

Rahul Sahu & othersPetitioners

Versus

State of Uttarakhand & othersRespondents

With

Writ Petition (M/S) No.370 of 2017

J.R. Sharma & othersPetitioners

Versus

State of Uttarakhand & othersRespondents

With

Writ Petition (M/S) No.371 of 2017

Jai Narayan & othersPetitioners

Versus

State of Uttarakhand & othersRespondents

Present:- Mr. Shashank Pandey, Advocate with Mr. Vikas Bahuguna,
Advocate for the petitioners.
Mr. P.C. Bisht, Standing Counsel for the State/respondent no. 1.
Mr. Rahul Consul, Advocate for respondent nos. 2 and 3/MDDA.

Hon'ble Sudhanshu Dhulia, J. (Oral)

All the petitioners before this Court claim that they had shops at old bus stand in Dehradun. Since the old bus stand has been removed, they claim that they should be given same space as they were having in their earlier shops. Since the Government Order dated 09.03.2016 does not allot the same area of space, they have

challenged the Government Order dated 09.03.2016. Further the petitioners have prayed that they should be given the free hold of the land.

2. A preliminary objection has been raised by the learned counsel for respondent nos. 2 and 3 that the prayer of the petitioners cannot be granted as they had filed a civil suit before the court below for declaring the free hold of the land and after that suit has been dismissed. They have filed the present writ petitions at least for declaring the free hold of the land. According to the petitioners, the said suit was dismissed for non-prosecution and it was not adjudicated upon its merit.

3. Be that as it may, there is no occasion for this Court to interfere in the matter. In any case, Dehradun falls under the development area, for which the main powers rest with the State Government. The petitioners would always be at liberty to raise their grievances before the State Government.

4. In view of the aforesaid, the writ petitions stand dismissed.

(Sudhanshu Dhulia, J.)
28.02.2017

Ankit/