

WPSS No. 3941 of 2019

Hon'ble Lok Pal Singh, J.

Mr. V.B.S. Negi, Senior Advocate assisted by Mr. Sandeep Kothari, Advocate for the petitioner.

Mr. N.P. Sah, Standing Counsel for respondent no. 1.

Mr. Rahul Consul, Advocate for respondent no. 2.

Petitioner has filed present writ petition, seeking the following relief:-

(i) *Set aside/quash the impugned order dated 16.12.2019 (Annexure No. 5) passed by the learned Appellate Authority in Appeal No. 166/2018-19 under section 28A (4) of the Urban Planning and Development Act (Rajendra Nautiyal vs. Vice Chairman M.D. D.A. and others) to the extent, whereby the appeal preferred by the petitioner was partly allowed, however, the order dated 27.04.2019 was made to apply during the pendency of the further proceedings directed to be carried out pursuant to the order dated 16.12.2019 and it directed the prohibition on operation of the property till the proceedings are complete and the conditional order has been passed directing revival order dated 27.04.2019 in case of violation."*

Mr. Rahul Consul, learned counsel appearing for respondent no. 2 would submit that petitioner has already availed remedy of revision before the Additional Chief Administrator, Uttarakhand Housing and Urban Development Authority. This fact has not been disclosed by the petitioner before the Court.

Since, the order impugned has been challenged before the Revisional Authority, therefore, this Court is not inclined to entertain the writ petition.

To this, Mr. V.B.S. Negi, learned Senior Counsel appearing for the petitioner

would submit that this fact is not in the knowledge of the counsel, thus, the writ petition has been filed challenging the impugned order.

Learned Senior Counsel for the petitioner would submit that since remedy of revision has already been availed by the petitioner, therefore, direction may be issued to the Additional Chief Administrator, Uttarakhand Housing and Urban Development Authority to decide the revision of the petitioner in accordance with law within the time prescribed by the Court.

Prayer, so made, is innocuous.

In view of the above, the writ petition is disposed of with the direction to the Additional Chief Administrator, Uttarakhand Housing and Urban Development Authority to decide the revision of the petitioner in accordance with law within two weeks from the date of receipt of certified copy of this order.

Pending application(s), if any, also stands dismissed.

(Lok Pal Singh, J.)

20.12.2019

Parul