



2024:UHC:6244

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2312 of 2024

30 August, 2024

Surendra Singh Rana

--Petitioner

Versus

Mussoorie Dehradun Development Authority

--Respondent

Presence:-

Mr. Bhupesh Kandpal, Advocate for the petitioner.

Mr. Rahul Consul, Advocate for the respondent-MDDA.

Hon'ble Pankaj Purohit, J.

Heard.

2. Petitioner has challenged the proceedings of Case No.UCMS/MDDA/R/0915/2024/27(1) and Order No.UCMS/MDDA/R/0915/2024/28(1) dated 01.08.2024 passed by the respondent –MDDA. A further writ of mandamus has been prayed directing the respondent authorities to consider letters dated 08.08.2024 and 12.08.2024 submitted by petitioner.

3. It is the case of petitioner that he constructed a house in the year 2003 over Plot No.2205 *ad measuring* area 1721.5 square feet situated in Chandrabani, Pargana Kendriya Doon, District Dehradun.

4. It is the admitted position at present, the said property falls within the jurisdiction of MDDA. It is further contended that when the house was built in the year 2003, the area i.e. 'Chandrabani' did not fall within the reach of MDDA. By the impugned order dated 01.08.2024, the respondent called upon the petitioner to show cause why the construction raised by him, without permission of MDDA, be not demolished. It is feeling aggrieved by the said order, the petitioner is before this Court.



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5. Learned Counsel for petitioner submits that the house was constructed in the year 2023 and when the petitioner moved an application for sanction of map of already built house, he was informed that in the said area, no maps are being sanctioned at present. However, this fact has been refuted by learned Counsel appearing for MDDA, and he argued that petitioner never exercised the option of moving proper application, and therefore, the averments made in the petition cannot be believed.

6. Having regard to the facts of the case, present petition is disposed of finally by permitting the petitioner to move an application before the MDDA for sanction of map/compounding of construction raised by him over the subject property within one week from today. If any such application is moved, the competent authority of the MDDA is directed to decide the said application in accordance with law within a period of six months from the date of its receipt. Till then, the impugned order dated 01.08.2024 shall be kept in abeyance.

7. It is, however, clarified that if petitioner does not move the application, as asked for hereinabove, within seven days i.e. latest by 07.09.2024, this order will not come for his rescue and the authority will proceed in the matter in accordance with law.

8. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
30.08.2024

Rdang

RAJEEV DANG