

(2021) 01 UK CK 0025

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 15 Of 2021

Aatmaram Bhatia

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 UK CK 0025

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Ankurit Raj David, Mamta Bisht, Navnish Negi

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought following relief:

â??I. Issue Writ, order or direction in the nature of Mandamus commanding the respondent no. 3 not to demolish the part of construction raised by

the petitioner situated at badrinath marg Kotdwar District Pauri Garhwal and the respondent no. 3 further be directed to make the demarcation of the

property by the expert committee in accordance with law before removing the alleged encroachment.â??

2. According to the petitioner, he has raised construction over his freehold land, however, the municipal authorities are threatening the petitioner to

demolish his construction. Annexure no. 3 to the writ petition is a notice issued by Assistant Municipal Commissioner, Kotdwar to the son of the

petitioner, whereby he has been called upon to remove his construction, failing which, the same shall be removed by the municipal authorities on

petitionerâ??s cost and expenses.

3. Learned counsel for the petitioner has placed reliance upon a judgment dated 28.12.2020 rendered by this Court in WPMS No. 2536 of 2020. He

submits that the controversy is covered by the said judgment.

4. Learned counsel for respondent no. 3 does not dispute the aforesaid statement of learned counsel for the petitioner.

5. Since the controversy involved now stands settled by the aforesaid judgment, therefore, the writ petition is disposed of in terms of the judgment

dated 28.12.2020 rendered in WPMS No. 2536 of 2020 and it is provided that petitioner shall be at liberty to submit reply to the notice/order dated

30.05.2019, issued by Assistant Municipal Commissioner, Kotdwar, within ten days from today. If such reply is submitted by the petitioner within

stipulated time, the Competent Authority in the Municipal Corporation, Kotdwar shall take decision in the matter within ten days thereafter.

6. For a period of three weeks or till decision is taken by the Competent Authority, whichever is earlier, status quo, qua the construction raised by the petitioner, shall be maintained.