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(2002) 04 UK CK 0005

In the Uttarakhand High Court

Case No : P.I.L. W.P. No. 931 (M/S) of 2001

Madhur Gupta and Another — APPELLANT

Vs

State of Uttaranchal and Others — RESPONDENT

Date of Decision : 09-04-2002

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2002) 2 UC 1

Hon'ble Judges : P.C.Verma, J;Irshad Hussain, J

Bench : Division Bench

Advocate : Manoj Tewari, for the Appellant;

Judgement

P.C. Verma and Irshad Hussain, JJ.—This writ petition has been filed by the petitioners as Public Interest Litigation seeking following reliefs :

(i) Issue a writ, order or direction in the nature of mandamus or any other writ or direction to demolish the construction raised by the respondent No. 4 in contravention of Master Plan and provision of U. P. Urban Planning and Development Act, 1973, rules, regulation and bye-laws made thereunder.

(ii) Issue a writ of mandamus or any other writ or order to the respondent Nos. 1, 2 and 3 to perform their statutory duties provided under U. P. Urban Planning and Development Act, 1973, to immediately stop the unauthorised construction and immediately to demolish the unauthorised construction of school building in accordance with provisions of the Act.

2. In the writ petition, nowhere the petitioners have stated that as to how the petitioners have personal interest in the matter. The relief-I, as is the settled law, cannot be granted by this Court in exercise of its powers under Article 226 of the Constitution of India. When this was asked to the petitioners, they say that they do not wish to press the prayer No. 1.

3. So far as the second prayer is concerned, the respondents under U. P. Urban

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Planning and Development Act, 1973 are directed to look into the grievance of the petitioners and decide the matter after giving opportunity to the parties for hearing and shall pass appropriate reasoned order within a period of ten days from the date of production of certified copy of this order. Till then or till the order is passed in the matter, whichever is earlier, there shall be no construction on the disputed land. The parties shall not seek adjournments on the date fixed by the Authority.

4. This order is passed in the presence of the learned counsel for the Mussoorie Dehradun Development Authority, who shall furnish the copy of this order to the authorities concerned.

5. With the aforesaid observation, the petition is disposed of finally.

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