

(2026) 02 UK CK 1811

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 01 Of 2025

Rajendra Nagar Residents Welfare Society

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 18-02-2026

Acts Referred:

Uttar Pradesh Urban Planning And Development Act, 1973 — Section 27, 28

Citation : (2026) 02 UK CK 1811

Hon'ble Judges : Manoj Kumar Gupta, CJ; Subhash Upadhyay, J

Bench : Division Bench

Advocate : Parikshit Saini, Rajni Supyal, Ashish Joshi, Rahul Consul, Sagar Kothari, Vishesh Srivastava, Amanjot Singh, A.S. Rawat, Gaurav Paliwal

Final Decision : Disposed Of

Judgement

Manoj Kumar Gupta, CJ

1. The present Public Interest Litigation has been filed, praying for a writ of mandamus, commanding the respondents-authorities to remove encroachment from the public utility land, i.e. public park, as well as green belt situated towards northern side of Plot Nos. 250, 251, 252, 253, 254, 266, 272, 281, 290, 299 & 308, near about total 79710 sq. ft. land in two parts 77.5 ft X 655.5 ft. as a public park and rest 49 ft. X 590 ft. as green belt in Block-A Rajendra Nagar Colony, Kaulagarh Road, Pargana Centraldoon Dehradun, District Dehradun, and to also direct demolition of the superstructures already constructed or erected by the private respondents over the aforesaid public utility land, as shown in the sanctioned layout plan dated 23.10.1964, pertaining to Rajendra Nagar Colony, Block-A, Dehradun.

2. On 10.01.2025, an order was passed, directing the Municipal Commissioner, as well as the jurisdictional SHO to visit the site, and if the Municipal Commissioner finds any encroachment, he was directed to forthwith issue directions to prevent further constructions. It was further directed that, in such

an event, the jurisdictional SHO shall also seize all machineries.

3. It seems that, in pursuance of the aforesaid order, an inspection of the site was carried out by the Municipal Commissioner, Nagar Nigam Dehradun, accompanied by the officials of the Mussoorie Dehradun Development Authority, Revenue officials and the officials of the concerned Police Station. The Inspection Report has been brought on record by Nagar Nigam, Dehradun, along with its affidavit.

4. A perusal of the Inspection Report reveals that the Inspecting Team did not find any government land in existence within the limits of the layout plan. It also did not find any space, designated as such, for park. However, it found illegal constructions over Khasra No. 34, which is recorded in the name of Manu Sharma, as Bhumidar, with transferrable rights. The report mentions that, in relation to the illegal constructions, the fourth respondent, i.e. the Mussoorie Dehradun Development Authority, has already taken action, and has sealed the constructions.

5. Learned counsel for the petitioner-Shri Parikshit Saini states that, since the third respondent has already initiated action, in respect of illegal constructions, and over other part, no government land was found, therefore, the matter may be closed.

6. However, his request has been opposed by learned Senior Counsel Shri A.S. Rawat assisted by Shri Gaurav Paliwal, learned counsel. He submits that he has filed an Impleadment Application on behalf of one Vinay Kumar Gupta. According to him, the officers of the petitioner-society have colluded with the private respondents, and are, therefore, not pursuing the Writ Petition any further. He submits that the subject land is a playground, as per the approved layout plan.

7. Learned counsel for private respondent no. 5 - Shri Sagar Kothari, countering his submission, submits that the land is the private property of the private respondent. He submits that the private respondent has filed an Appeal against the sealing order, wherein an interim order has been granted in favour of the private respondent. He also points out that Vinay Kumar Gupta, who is seeking impleadment in the instant petition, has already instituted Original Suit No. 391/2024, in respect of the same land, against private respondent no. 5, Nagar Nigam, Dehradun and Mussoorie Dehradun Development Authority, wherein also he has prayed for identical reliefs, as have been prayed for in the present Public Interest Litigation. He submits that in such circumstances, there is no justification to continue with the present proceedings at the behest of the intervener.

8. Learned counsel appearing on behalf of the Mussoorie Dehradun Development Authority states that the proceedings initiated by the Development Authority, in respect of illegal constructions, would be taken to its logical conclusion. He states that notices, under Sections 27 & 28 of the U.P. Urban Planning and Development Act, 1973, have already been issued to the private respondents.

9. As it is not disputed before us that the intervener has already filed a Civil Suit, and is pursuing the same, therefore, we find no good reason to continue with the present PIL at his behest. It has already come on record that the Mussoorie Dehradun Development Authority has initiated action against the illegal constructions, which have been found to be in existence in the Joint Inspection Report. The same has to be taken to its logical conclusion.

10. With the aforesaid observations, the proceedings of the instant PIL are closed. However, it will not affect the Civil Suit, which is stated to be pending at the behest of the intervener.

11. All pending applications stand disposed of accordingly.