

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS  2024:UHC:8281-DB
			WPIL No.177 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> Mr. Manish Lohani, learned counsel, for the petitioner. 2. Mr. B.S. Parihar, learned Standing Counsel, for the State of Uttarakhand/1 to 4. 3. Mr. B.D. Pande, learned counsel, for respondent no.5. 4. Mr. Sanjay Bhatt, learned counsel, for respondent no.6. 5. In this writ petition allegedly filed in public interest, petitioner has challenged notification dated 03.09.2024, issued by Urban Development Department, Government of Uttarakhand, whereby village Kania, has been included in the Nagar Palika Parishad, Ramnagar. The said notification has been challenged mainly on the ground that the Board of Nagar Palika Parishad in its meeting held on 30.04.2022, had taken a decision not to extend boundary of Nagar Palika Parishad, not to include the areas falling within two kilometres from the adjoining Corbett Reserve Forest within the municipal limits. He further contended that since the villages, which have been included in Nagar

		Palika Parishad, have been declared as fruit belt, therefore, they cannot become part of Nagar Palika Parishad. It is further contended that the parameters laid down by Article 243Q(2) of the Constitution of India have not been followed while issuing the impugned notification
--	--	---

		6. Learned State Counsel, <i>per contra</i> submits that the Board of Nagar Palika Parishad, has no concern in the matter of extension of the boundaries of municipality and the power to extend boundaries is available only to the State Government, as per the provisions contained in Constitution of India and also Municipalities Act.
--	--	---

		7. He submits that reliance by petitioner upon the decision taken by Board of Nagar Palika Parishad is wholly misplaced and the competent authority i.e. State Government has taken a considered decision in public interest to include villages adjoining to Nagar Palika Parishad, Ramnagar, which have urbanized to a considerable extent and due to hotel and tourism industry, lot of commercial activities are being undertaken in those areas. He further submits that before issuing the impugned notification, tentative notification was issued indicating the intention of the State Government to include certain villages within Municipality Ramnagar, and objections received in respect of such notification were considered and decided; petitioner had not filed any objection,
--	--	--

		however, all objections received in response to the said notification were considered and decided and the impugned notification has been issued only thereafter. He submits that impugned notification has been issued strictly as per constitutional provisions and also the provisions contained in Municipalities Act, 1916, and there is no flaw whatsoever in the notification.
--	--	---

		8. Learned Standing Counsel further submits that this writ petition has been filed by certain interested persons who do not want the concerned villages to be included in the Municipality because they are afraid that their properties would become liable for property and other municipal taxes. Thus, he submits that this is the abuse of process and anyone who is aggrieved by extension of boundaries should have filed writ petition in his individual capacity and not in a public interest petition.
--	--	---

		9. Since objections were invited and the impugned notification has been issued after considering all the objections received, therefore, merely because some persons are not happy with the decision of the State Government to include these villages in the Municipality cannot be a valid ground for questioning the decision taken by the State Government.
--	--	--

		10. Since the Municipalities Act and the
--	--	---

Constitution of India enables the State Government to extend the boundary of Municipalities by including certain villages and the State Government has exercised its statutory power in public interest, therefore, we refuse to entertain this writ petition. Writ petition fails and is hereby dismissed. No order as to costs.

(Vivek Bharti Sharma, J) (Manoj Kumar Tiwari, ACJ)

08.11.2024

NR/

**NITESH
RAWAT**
Digitally signed by NITESH
RAWAT
DN: c=IN, o=HIGH COURT OF
UTTARAKHAND, ou=HIGH
COURT OF UTTARAKHAND,
2.5.4.20=bea38a9cb7bca67cc398
8ad93d563d95c70eb77fa0ea475
8e401cf436bdce9fb,
postalCode=263001,
st=UTTARAKHAND,
serialNumber=F691686B3C44743
4E89897BCDC0B6567DCE4B7108
B324FFED3C8A159F3BDD03C,
cn=NITESH RAWAT
Date: 2024.11.12 11:00:40 +05'30'

--	--	--	--