

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 1882 of 2025

Dr. Ajay Kumar Dhiman

.....Petitioner

Versus

District Magistrate Haridwar and another

.....Respondents

Present:-

Mr. Kaushal Sah Jagati, Advocate for the petitioner.
Mr. M.S. Bisht, Brief Holder for the State/respondent no.1
Mr. Lalit Miglani, Advocate for the respondent no.2 through
video conferencing.

And

Writ Petition (M/S) No. 2031 of 2025

Mr. Yogesh Kumar Arya and others

.....Petitioners

Versus

State of Uttarakhand and others

.....Respondents

Present:-

Mr. Shubhang Dobhal, Advocate for the petitioners.
Mr. M.S. Bisht, Brief Holder for the State/respondent nos.1
and 2.
Mr. Lalit Miglani, Advocate for the respondent no.3,
through video conferencing.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

Since both these writ petitions arise out of the same cause of action, they are heard together and being decided by this common judgment.

2. The petitioners are residents of Nagar Nigam Ward No. 23, Bhumia Colony, Salempur Rajkputana, Tehsil Roorkee, District Haridwar. In this ward, drainage system is proposed by the respondent no.2/Municipal Corporation, Roorkee ("the Municipal Corporation"). The petitioner in WPMS No. 1882 of 2025, Dr. Ajay Kumar Dhiman has a grievance that if the drainage system is constructed as proposed, his

house would lowered from the road level and it would be prone to water fill. The petitioner Dr. Ajay Kumar Dhiman had submitted a representation to the Municipal Corporation. He seeks directions that the Municipal Corporation may be directed to decide the representation. Whereas, in WPMS No. 2031 of 2025, the petitioners are resident of the locality. According to them, the drainage system has already been approved and sanctioned, but it has not been constructed. It is causing a great hardship to the local residents as during rainy season or otherwise also, the locality is generally water locked. Therefore, drainage system is necessary. The respondent Municipal Corporation is represented in these proceedings.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the petitioner in WPMS No. 1882 of 2025 would submit that the house of the petitioner was constructed long back; now if the drainage system as proposed is constructed, it will raise the level of road and in that eventuality, these houses would be prone to water logging. Therefore, the level of the road should not be increased. By virtue of supplementary affidavit, a report of the Assistant Engineer, Nagar Nigam has been enclosed as Annexure 1, which suggests that in front of the petitioners' house, the road may not be raised to that level.

4. Learned counsel appearing for the petitioners in WPMS No. 2031 of 2025 submits that the drainage system had already been approved in the year 2023, but due to inaction of the Municipal Corporation and the objections of the petitioner Dr. Ajay Kumar Dhiman, the construction was not carried out. Therefore, direction may be given to the Municipal Corporation to construct the drainage system as per the approved plan.

5. Learned counsel for the Municipal Corporation submits that earlier the petitioner Dr. Ajay Kumar Dhiman has given his representation, which has already been rejected by the Municipal Corporation suggesting that if the house of the petitioner gets six inch lower than the road after construction of the drainage system, a ramp will be constructed by the Municipal Corporation. He submits that the Municipal Corporation would take all precautions or technical assistance so that the drainage system as proposed may be constructed and the house of the petitioner also not be lowered. If it so happens, some type of ramp or other device may be constructed by the Municipal Corporation.

6. This Court may not conduct a survey and cannot get any specification as to how the drainage system is to be constructed in the locality. The Municipal Corporation has plan for drainage system. What is argued is that the Ward No.23 is low area and the main road is at a height. Therefore, the drainage system may be effective only if, the height of the roads in the locality is increased. Without it, no drainage system could work.

7. What is the objection of the petitioner Dr. Ajay Kumar Dhiman is that his house may be lowered by six inch from the road in case drainage system is constructed. But this may not affect the larger public interest of the locality. Even otherwise, the Municipal Corporation has assured that all efforts should be made that the house of the petitioner Dr. Ajay Kumar Dhiman is not lowered by six inch, but if it even lowers, they will construct a ramp.

8. This Court does not see any reason to make any interference in the plan and suggestion as given by the Municipal Corporation. Therefore, let the Municipal Corporation proceed in accordance with the sanctioned plan. They may make an endeavour

that the house of the petitioner Ajay Kumar Dhiman is not lowered. In case, it is still lowered some kind of ramp, as suggested by the Municipal Corporation may also be constructed.

9. Both the writ petitions are disposed of accordingly.

(Ravindra Maithani, J)
24.07.2025

Jitendra