



2025:UHC:7756

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.3582 of 2023

24th September, 2025

Subhash Singh

.....Petitioner

Versus

H.R.D.A. and others

.....Respondents

With

Writ Petition (M/S) No.1828 of 2024

M/s S.R. Traders

.....Petitioners

Versus

State of Uttarakhand and others

.....Respondents

Presence:-

Mr. Rachit Manglik, Advocate holding brief of Mr. Hemant Singh Mehra, Advocate for the petitioners.

Mr. R.C. Joshi, B.H. for the State.

Ms. Devika Tiwari, Advocate and Ms. Ruchika Negi, Advocate holding brief of Mr. Sandeep Kothari, Advocate for respondent nos.1 and 2.

Mr. M.S. Tyagi, learned Senior Advocate assisted by Mr. Sunil Chandra, Advocate for respondent no.3.

Hon'ble Pankaj Purohit, J.

Since these writ petitions involve similar controversy and the petitioners in both these writ petitions assail the common order, passed on 29.09.2023, therefore they are being heard and decided together.

2. By means of Writ Petition No.3582 of 2023, the petitioner has sought the issuance of writ of certiorari quashing the order dated 29.09.2023 passed by Joint Chief Administrator, Uttarakhand Urban Development Authority, Dehradun in Revision No.666 of 2023, *Shree Shubhash Singh Vs. Secretary, Haridwar Roorkee Development Authority*.



3. The facts in brief of WPMS No.3582 of 2023 are that the petitioner is the owner of the land bearing Khasra No.191 Shekhupura, Kankhal, Haridwar. The petitioner submitted a layout plan No.08 of 2021 with the respondent-authority which was sanctioned by virtue of Letter No.5445 dated 10.02.2022. Thereafter the petitioner started development upon the land. But the petitioner received notice from the respondent-authority calling upon the petitioner under Section 15(9) of the Uttarakhand Urban and Country Planning and Development Act, 1973, (hereinafter referred to as "the Act") on the basis of a complaint raised by one Shri Amit Aggarwal reflecting himself as the partner of Essar Traders 61-62 IMA Colony, Akash Avenue, FGC Road, Amritsar. The petitioner upon the receipt of the notice submitted a detail reply along with evidence to the respondent-authority on 14.07.2022. The complainant participated in the proceedings of Section 15(9) of the Act and submitted his reply on 12.08.2022 and 26.08.2022, a replication of which was submitted by the petitioner on 16.09.2022. The respondent-authority which sanctioned the plan earlier passed an order on 13.02.2023 against which the petitioner preferred a revision before Urban Housing Development Authority and the said Authority remanded the matter back vide order dated 29.09.2023 to the respondent-authority sanctioning the plan as after appreciation of evidence it was found that the sanction dated 10.02.2022 was granted on concealment of facts regarding disputed ownership and pending litigation. It is against this remand order the petitioner is before this Court.

4. The facts in brief of WPMS No.1828 of 2024 are that Late Bhushan Sharma executed his last will dated 20.09.2000 in favour of his two sons Ashutosh Sharma and Atharav Sharma and got the same registered. The petitioner purchased land of Khasra No.184 and 191, after the death of its real owner Late Bhushan Sharma from his successors by a registered sale deed dated 30.04.2004. Late Bhushan Sharma had purchased the property in dispute from Kundan Singh and Amir Singh having paid a consideration of ₹9,000/- by the registered sale



deed dated 10.07.1964. Kundan Singh was the father of respondent no.4 and Amir Singh was the father of respondent no.3. After the said sale in favour of Late Bhushan Sharma no right whatsoever remained with Kundan Singh and Amir Singh or their legal heirs. In spite of these facts respondent no.3-Subhash Singh after colluding with revenue authorities got his name registered in the revenue record and also filed an application to sanctioned map concealing the fact of sale of property to the father of the petitioner and the sanction was even granted, but when the complete set of facts were brought before the sanctioning authority it revoked the sanction which was granted. Against this revocation the respondent no.3 preferred a revision and in spite of clear provisions under Section 15 of the Act regarding the fact that the sanction will be cancelled if any concealment of fact is found the revisional court exceeding its jurisdiction has passed the impugned order remanding the matter back to the sanctioning authority and directing it to reconsider the application on the basis of complete set of facts.

5. The learned counsel for the petitioner Subhash Singh submits that the impugned order is a non speaking order and respondent no.1 has traversed beyond its jurisdiction while passing the impugned order. He further submits that the respondent no.1 failed to appreciate from the submitted evidence that on the day when the plan was sanctioned there was no litigation pending with respect to the property in question.

6. The respondent-authority also failed to appreciate that even as of now the petitioner-Subhash Singh is the sole owner of the property in dispute as he is in possession of the same. The respondent also failed to appreciate that the sanction of the plan does not confer any title to the party and at the time of the sanction the only aspect which is to be seen that the person is a *prima facie* owner of the land and is in its possession. He also submits that a civil court has already held that the petitioner-Subhash Singh is the owner of the property



vide order dated 02.07.1993.

7. *Per contra*, the counsel for respondent nos.1 and 2 on the basis of their counter affidavit submitted that the initial sanction was granted as the petitioner-Subhash Singh submitted a declaration stating that he is the sole owner of the land and there is no pending litigation regarding the land, but when after the complaint of M/s S.R. Traders it was found out that the property was disputed, the plan was cancelled as per the provisions of Section 15(9) of the Act against which the petitioner filed a revision and the revisional court was of the *prima facie* view that there was a cloud regarding the ownership of the land and there were pending litigations regarding the land in which the petitioner-Subhash Singh was himself a party in spite of the fact that he was a party, he wrongly submitted a false affidavit stating that the property was undisputed. Due to these reasons the revisional court rightly remanded the matter back to the authority for freshly considering the application of sanction keeping in mind the full facts.

8. Respondent no.3-M/s S.R. Traders in its counter affidavit submits that it is the owner in possession over the land in dispute bearing Khasra No.191, Shekhpura, Kankhal, Haridwar on the basis of sale deed dated 30.04.2004 and this fact was concealed by the petitioner-Subhash Singh at the time of sanctioning of the map, therefore the sanction was cancelled when respondent no.3-M/s S.R. Traders brought this fact to the notice of the respondent-authority.

9. The petitioner-Subhash Singh in his rejoinder affidavit submitted that a civil suit for declaration and permanent injunction was decreed by the learned District Judge, Haridwar in Civil Appeal No.13 of 1992, Amir Singh Vs. Hem Chand and others vide judgment dated 21.05.1993 in favour of petitioner-Subhash Singh's father and this fact was well known to the respondents and it was never challenged before appropriate forum therefore it has attained finality and this decree which is passed by a civil appellate court has an overriding effect over the judgment rendered by revenue court.



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Therefore the respondent-authority has traversed beyond its jurisdiction in cancelling the sanctioning of the map inspite of the fact that it was clear from record that at the time when the application for sanctioning was submitted there were no pending litigation or disputes over the said property.

10. Having heard the learned counsel for the parties and upon perusal of material available on record, this Court is of the considered opinion that *prima facie* after going through the provisions of Section 15 of the Act it can be safely said that the petitioner concealed certain facts regarding the dispute and thus got the sanction and when this fact was brought to the notice of the concerned authority the sanctioned order was cancelled against which the petitioner approached the revisional court which vide the impugned order dated 29.09.2023 on account of newly discovered facts remanded the matter back to the authority to hear it afresh. According to this Court the impugned order is not improper and illegal and rights of both the parties will be protected if the respondent-authority hears the rival set of contentions of both the parties and passes an order on merit afresh. Both the parties are free to submit their submissions before the respondent-authority.

11. Accordingly the writ petitions being *de void* of merit are dismissed.

(Pankaj Purohit, J.)

24.09.2025

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