



2025:UHC:11405

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS No. 2101 of 2025 With WPMS No. 2103 of 2025 <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. None present for the petitioners. 2. Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand. 3. Petitioners have challenged notice dated 20/21.05.2025 in these writ petitions. The notices were issued under Section 27(1) of The Uttarakhand Urban and Country Planning & Development Act, 1973, which reads as under:- "27. Order of demolition of building.- (1) Where any development has been commenced or is being carried on or has been completed in contravention of the Master Plan or without the permission approval or sanction referred to in Section 14 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, in relation to the development area, then, without prejudice to the provisions of Section 26, the [Vice Chairman of the concerned Local Development Authority / Person(s) or Officer(s) designated to perform the functions under this Act, of the Urban Local Bodies and Village Panchayats declared as Local Development Authority/ Local Authority under this Act] or any officer of the Authority empowered by him in that behalf may make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than fifteen days and more than forty days from the date on which a copy of the order of removal, with a brief statement of the reasons therefore, has been delivered to the owner or that person as may be specified in the order and on his failure to comply with the order, the [Vice Chairman of the concerned Local Development Authority / Person(s) or Officer(s) designated to perform the functions under this Act, of the Urban Local Bodies and Village Panchayats declared as Local Development Authority/ Local Authority under this Act] or such officer may remove or cause to be removed the development, and the expenses of such



			removal as certified by the [Vice Chairman of the concerned Local Development Authority / Person(s) or Officer(s) designated to perform the functions under this Act, of the Urban Local Bodies and Village Panchayats declared as Local Development Authority/ Local Authority under this Act] or such officer shall be recoverable from the owner of the person at whose instance the development was commenced or was being carried out or completed as arrears of land revenue and no suit shall lie in the Civil Court for recovery of such expenses: Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.” 4. Since petitioners have a right to have their say before the concerned Authority, therefore, learned State Counsel is right in submitting that the writ petitions are premature. 5. The writ petitions are, accordingly, disposed of with liberty to petitioners to respond to the notice(s), if already not responded, within ten days from today. The Competent Authority shall pass necessary order, as per law, within two weeks of receipt of reply submitted by petitioners. (Manoj Kumar Tiwari, J) 19.12.2025 Aswal NITI RAJ SINGH ASWAL
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