



2025:UHC:11404

SL. No.	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/ 3287/ 2025</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Neeraj Garg, Advocate for the petitioner. 2. Mr. Rajeev Singh Bisht, Additional Chief Standing Counsel for the State of Uttarakhand/ respondent nos. 1 & 4. 3. Mr. Rahul Consul, Advocate for respondent nos. 2 & 3. 4. Petitioner contends that construction is being raised by respondent no. 5 in deviation of building byelaws of Mussoorie Dehradun Development Authority (MDDA). It is alleged that despite sealing order, passed by competent authority, the construction is not being sealed. 5. The reliefs sought in the writ petition are as follows:- <i>"a) Issue a writ, order or direction in the nature of mandamus commanding respondent nos. 2 to 4 to forthwith take action for sealing and demolition of unauthorized construction raised by respondent no. 5 contrary to building plan sanctioned by respondent no. 2. at the property bearing No. 275/487, Rajpur Road, Near KFC, Dehradun and in implementation and furtherance of sealing order dated 23-04-2025. (Annexure No. 16 to this writ petition).</i> <i>b) Issue a writ, order or direction commanding respondent no.1 to ensure forthwith compliance in its letter and spirit of the directions issued by Hon'ble Supreme Court of India in Paragraph 21 of judgment in case of Rajendra Kumar Barjatya & Another vs. UP Avas Evam Vikas Parishad & Others, reported in 2024 SCC Online Page 3767, and para 6 and 7 in case of Kaniz Ahmed Vs. Sabuddin & others, reported in 2025 SCC</i>



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		OnLine SC, 995 at the spot by respondent no. 2, 3 & 4 without any delay and laxity. c) Issue a writ, order or direction commanding respondent no. 1 to take appropriate action in accordance with law against responsible officers of respondent no. 2 and against respondent no. 5 for violating the directions issued by Hon'ble Supreme Court of India in case of <i>Rajendra Kumar Barjatya & Another vs. UP Avas Evam Vikas Parishad & Others</i>, reported in 2024 SCC Online Page 3767 as well as for failure in enforcing and implementing the sealing order dated 23-04-2025 (Annexure No. 16 to the writ petition)." 6. Learned counsel appearing for the MDDA, however, submits that petitioner has raised a civil dispute in a writ petition, which cannot be decided in public law remedy. He submits that the appropriate remedy for the petitioner would be to approach the Civil Court for resolution of the dispute raised in the writ petition. 7. This Court finds substance in the said contention. Since petitioner has a dispute with his neighbour, who is raising construction, therefore, such dispute cannot be decided in the writ petition. 8. The writ petition is, accordingly, dismissed with liberty to petitioner to approach the competent Court of law. 9. Mr. Rahul Consul, learned counsel appearing for MDDA assures that deviation from the sanctioned house plan, if any, shall be examined by the competent authority. (Manoj Kumar Tiwari, J.) 19.12.2025
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