



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/1449/2025</u> Arti Agarwal --Petitioner Versus State of Uttarakhand and others --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Rajendra Arya, Advocate holding brief of Mr. Neeraj Garg, Advocate for the petitioner. Mr. S.K. Nailwal, Standing Counsel for the State. Mr. Rahul Consul, Advocate for MDDA. 2. By means of this writ petition, petitioner has sought the following reliefs: “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. 86, Dehradun Road, Sadanand Marg, Rishikesh, District Dehradun (Uttarakhand). 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 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 Rajendra Kumar Barjatya & Another vs. UP Avas Evam Vikas Parishad & Others, reported in 2024 SCC Online Page 3767, as well as for defying the order dated 05-03-2025 passed by this Hon'ble Court in WPMS No. 244 of



2025 (Annexure No. 1 to this writ petition).”

3. Mr. Rahul Consul, learned counsel appearing for MDDA, however, submits that certain portion of the construction made by respondent No. 5 regarding which petitioner had made objection, has been compounded by the competent authority vide order dated 28.11.2024. He has drawn attention of this Court to the averments made in supplementary affidavit dated 07.05.2026, filed by Smt. Ekta Arora, Under Secretary and In-charge of Legal Section, MDDA. Para 4, 5 and 6 of the aforesaid affidavit are extracted below:

“4. That it is submitted that a Map No. R-4877/22-23 dated 03.03.2023 was sanctioned in the name of Shri Sunil Kumar Gupta/Respondent No. 5, copy whereof has already been filed as Annexure B-1 to the Counter Affidavit filed by the answering Respondents.

5. That pursuant to certain construction raised in deviation to the aforesaid sanctioned plan, the Respondent No. 5 further got a Compounding Map No. OR-1076/24-25 sanctioned on 28.11.2024 as per the prevalent Byelaws/Compounding Rules, copy whereof has already been filed as Annexure B-2 to the Counter Affidavit filed by the answering Respondents.

6. That in compliance to the orders dated 11.02.2026 passed by this Hon'ble Court, site inspection was carried out on 08.04.2026 and measurements of the sanctioned covered area and existing covered area were taken, which qua the compounding map are as under:-

Floors	Sanctioned	Existing
Ground Floor	129.119 Sq. Mtrs.	124.78 Sq. Mtrs.
First Floor	113.20 Sq. Mtrs.	112.79 Sq. Mtrs.
Second Floor	113.20 Sq. Mtrs.	112.79 Sq. Mtrs.

4. Mr. Rahul Consul, Advocate further submits that since the Competent Authority has



		compounded the portions which were raised by deviating from the sanction plan, therefore the prayer as made by petitioner do not survive. 5. This Court finds substance in the said contention. 6. Since the alleged unauthorised portion of the house has been compounded by the Competent Authority, therefore, the said construction cannot be termed as illegal any more. 7. Mr. Rajendra Arya, learned counsel appearing for the petitioner submits that the compounding of the unauthorised construction has been done in violation of building bye-laws applicable in MDDA. 8. Mr. Rahul Consul, learned counsel submits that if that is so, then petitioner is free to challenge the compounding map under Section 7B(4) of The Uttarakhand Urban and Country Planning and Development Act, 1973. 9. The writ petition is, accordingly, disposed of with liberty to petitioner to approach the competent authority under the aforesaid Act. (Manoj Kumar Tiwari, J.) 10.08.2026 Mahinder
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