



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/2122/2026</u> Mohd Ali --Petitioner Versus State of Uttarakhand and another --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. T.A. Khan, Senior Advocate, assisted by Ms. Sheeba Ahmed, Advocate, holding brief of Mohd. Shafy, Advocate for the petitioner. 2. Ms. Mamta Bisht, Deputy Advocate General with Mr. Akshit Gururani, Brief Holder for the State/respondent no. 1. 3. Mr. Rahul Consul, Advocate for respondent no. 2. 4. Petitioner raised construction in Village Bailjuri, Kashipur, District Udham Singh Nagar. 5. District Level Development Authority, Udham Singh Nagar passed a demolition order against petitioner on the ground that such construction was raised without obtaining sanction from the Development Authority. In the demolition order, it was mentioned that petitioner is involved in illegal plotting of agricultural land, without prior permission of the competent authority. It was further mentioned in the demolition order that he has build five residential



			apartments for the purposes of selling to homebuyers. Petitioner filed appeal against demolition order, which was dismissed. He thereafter filed revision petition, which too has been dismissed by the competent authority. Thus, feeling aggrieved, petitioner has approached this Court challenging all three orders. 6. Learned senior counsel appearing for the petitioner submits that petitioner is an agriculturist; he has no intention of constructing residential apartments for sale, and in fact, petitioner is ready to give an undertaking before the Development Authority that he will not do illegal plotting of agricultural field and he will not raise construction only for the purpose of selling the constructed apartments. He submits that petitioner applied for compounding of the construction raised, however, his application was cursorily rejected without examining the issues involved. He submits that petitioner be permitted to make fresh application for compounding and the competent authority in the Development Authority be directed to consider petitioner's prayer as per law. 7. Learned senior counsel appearing for the petitioner further submits that petitioner so far has raised walls for constructing only six rooms, therefore, the allegation that petitioner is building residential apartments for the purpose of sale is absolutely incorrect. He submits that petitioner is constructing a residential house for his own personal use.
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			8. Mr. Rahul Consul, learned counsel appearing for Development Authority submits that since the area is within the purview of Uttarakhand Urban and Country Planning and Development Act, 1973, therefore, construction, if any in that area, has to be raised only after getting necessary sanction from the Development Authority. 9. Having regard to the facts of the case, the writ petition is disposed of with liberty to petitioner to make fresh application for compounding. With his application, petitioner shall also give an undertaking before the Secretary of the Development Authority that he will not exploit agricultural land for commercial purpose, till the time competent authority declares the said land as non-agricultural. If petitioner makes such application along with the undertaking before the competent authority within two weeks from today, decision thereupon shall be taken, as per law, within three months thereafter. For a period of fourteen weeks or till decision is taken on petitioner's compounding application, whichever is earlier, status quo <i>qua</i> the construction raised shall be maintained. (Manoj Kumar Tiwari, J.) 12.08.2026 Navin NAVEEN CHANDRA
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