

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL****THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA****AND****THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY****July 21, 2026****Writ Petition (M/B) No.587 of 2026**

Bhagwan Singh Bhandari

----Petitioner

VersusDirector, Urban Development Directorate
And Others

----Respondents

Presence:-

Mr. Sagar Kothari, learned counsel for the petitioner
Mr. Ganesh Kandpal, learned Additional Advocate General with Mr. Sachin Mohan Singh, learned Standing Counsel for the State of Uttarakhand/respondent nos.1 and 2
Mr. Sandeep Kothari, learned counsel for respondent nos.3 and 4 - Nagar Palika Parishad

JUDGMENT: (per Mr. Manoj Kumar Gupta, C. J.)

1. Heard learned counsel for the parties.
2. The petitioner was having a contract of parking (Shivanand Parking) for the year 2021-22. On 28.03.2022, the Nagar Palika Parishad is stated to have passed a unanimous resolution to grant the contractors a rebate of three months in parking fee in view of decline in business during Covid-19 pandemic. The rebate was to be adjusted against the last installment. The case of the petitioner is that he had deposited the entire contractual sum, except the last installment, in respect of which he is entitled to rebate in terms of the Resolution of the Nagar Palika dated 28.03.2022.



The Nagar Palika, however, has not released the security amount of ₹ 15.00 lakhs so far.

3. It appears from the record that the Nagar Palika, vide letter dated 18.07.2022, forwarded the Resolution passed by the Nagar Palika Board on 28.03.2022 to the Commissioner, who is the competent authority, for seeking his approval under Section 157(2) of the Uttarakhand Municipalities Act, 1960. The case of the petitioner is that so far the competent authority has not granted approval and it is on account of the said fact that the dispute has arisen.

4. The petitioner has, accordingly, sought for a writ of mandamus directing respondent no.1 to take appropriate decision on the Resolution of the Nagar Palika Board dated 28.03.2022 and for a further direction to respondent no.3 to return the security amount of ₹ 15.00 Lakhs.

5. Learned counsel appearing for the Nagar Palika Parishad submits that the petitioner has not paid full amount under the contract. He is not in a position to clarify as to whether the competent authority has taken any decision on basis of communication dated 18.07.2022, by which approval of the competent authority was sought in respect of the Resolution of Nagar Palika Board dated 28.03.2022.



6. In such circumstances, the writ petition is disposed of with direction to respondent no.3 to pass a speaking order on the representation of the petitioner dated 22.11.2025 (Annexure-5) within a period of four weeks from the date of communication of the instant order. In case, the claim of the petitioner is found to be unsustainable, on account of the Resolution of Nagar Palika Board dated 28.03.2022 having not been approved by the Competent Authority, it would be desirable that the respondent no.1 is apprised of the said fact and, in which event, respondent no.1 would ensure that appropriate decision is taken on basis of the communication dated 18.07.2022 and based on decision of respondent no.1, respondent no.3 would revisit the claim.

7. Pending applications, if any, also stand disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 21.07.2026

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