



2026:UHC:748-DB

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
Special Appeal No.445 of 2025
February 10, 2026

Khadag Dhvaj Bhandari (K.D. Bhandari) ---Appellant

Versus

State of Uttarakhand & Others ---Respondents

Presence:-

Mr. Neeraj Garg, learned counsel for the appellant.

Mr. Amrendra Pratap Singh, learned Additional Advocate General for the State.

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

1. At the time the appeal was entertained by the Coordinate Bench, the following order dated 07.01.2026 was passed:

"Mr. Neeraj Garg, learned counsel for the appellant.

2. Mr. Yogesh Tiwari, learned Addl. C.S.C. for the State/respondent nos. 1 & 4.

3. Mr. Rahul Consul, learned counsel for respondent nos.2 & 3.

4. The instant appeal has been preferred against the judgment and order dated 19.12.2025 passed in Writ Petition (M/S) No.3287 of 2025, whereby learned Single Judge has dismissed the writ petition with liberty to approach the competent court of law but in



paragraph-9, the Court has noted the statement of Mr. Rahul Counsel, learned counsel appearing for the M.D.D.A., that he assure that deviation from the sanctioned house plan, if any, shall be examined by the competent authority.

5. Learned counsel for the appellant submits that, till date, the alleged deviation has not been examined by the competent authority.

6. Today, Mr. Rahul Counsel, learned counsel appearing for the M.D.D.A. submits that he has no idea as to whether the matter has been examined or not. Learned counsel for the M.D.D.A. further states before the Court that the M.D.D.A. shall examine the matter at the earliest, preferably within a period of three weeks, as at present he is not in a position to state whether any such exercise has been undertaken or not.

7. List this case on 10.02.2026.

8. On that day, respondent–M.D.D.A. shall make a positive statement before this Court as to what has been examined, whether there is any deviation from the sanctioned plan, and if so, what action has been taken in the matter.”

2. Learned counsel for the MDDA, on instructions, states that the sealing order has been given effect to by sealing the offending constructions on 13.01.2026. In this regard, a communication dated 09.01.2026 requesting Senior Superintendent of Police, Dehradun to ensure availability of adequate police force to carry out the sealing, has also been placed before us. Some photographs showing that the premises was sealed have



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also been placed before us.

3. Shri Rahul Consul, learned counsel appearing on behalf of MDDA states that the Development Authority would now be initiating proceedings for demolition of the offending constructions.

4. His statement is, accordingly, noted and the MDDA shall ensure that the proceedings, as may be undertaken against the private respondent, in respect of the offending constructions are taken to their logical conclusion, after due notice to the said respondent.

5. In view of the above, the instant appeal stands disposed of.

6. Pending applications, if any, also stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 10.02.2026

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**RAJINI
GUSAIN**

Digitally signed by RAJINI GUSAIN
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