2026:UHC:10039

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3140 of 2026

02 November, 2026

Saisha Qureshi --Petitioner

Versus

Mussoorie Dehradun Development Authority & others --Respondents

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Presence:-
Mr. Shailendra Nauriyal, learned counsel for the petitioner.
Mr. Rahul Consul, learned counsel for respondent no.1 & 3-MDDA.
Mr. Yogesh Pandey, learned Deputy Advocate General for the State/respondent no.2.

Hon'ble Pankaj Purohit, J. (Oral)

Petitioner is aggrieved by order dated 16.03.2026, annexure-2 to the writ petition, passed by respondent no.3 whereby the shops covered by tin shed (Kachha Construction) were ordered to be sealed being unauthorized construction and for quashing the consequential show cause notice dated 31.08.2026, annexure-6 to the writ petition.

2. According to the petitioner, petitioner purchased the property in-question in the year 1974, which allegedly was construction without permission from the authority concerned during that period. A show-cause notice was issued to the petitioner by respondent-MDDA on 22.01.2026, calling upon petitioner to show cause as to why the unauthorized construction should not be demolished. Petitioner filed a compounding application (MAP No.R-1588/25-26) before respondent-MDDA and sought time to submit certain documents in support of the said compounding application. However, instead of considering the compounding application and passing any order thereon, vide order dated 16.03.2026,

the property was directed to be sealed. Petitioner, feeling aggrieved by the order dated 16.03.2026, challenged the same before the Chairman-MDDA under Section 28-A (4) of the Uttarakhand Urban and Country Planning Development Act, 1973. The said appeal was dismissed by the Commissioner vide order dated 06.08.2026, merely on the ground that since the impugned sealing order dated 16.03.2026 had not been executed, the said order had become ineffective and could not be enforced. It was also observed by the appellate authority/ Chairman, MDDA, Dehradun, that since the compounding application was pending before respondent-MDDA, MDDA was directed to take a decision within three weeks under the relevant bye-laws and compounding policy of the MDDA. But, the impugned notice dated 31.08.2026, annexed as annexure no.6 to the writ petition, was issued, and petitioner was again called upon to show cause on the basis of the same order dated 16.03.2026, which had been rendered ineffective, as declared by the appellate authority/Chairman.

3. Learned counsel for the petitioner submits that in the impugned order dated 31.08.2026, it has been stated by respondent-MDDA that the compounding application (MAP No.R-1588/25-26) was rejected on the basis of the report of the Lekhpal. He further submits that the map was again rejected by respondent-MDDA without providing any adequate opportunity of hearing to the petitioner, although she had also removed the objections raised by the MDDA.

4. Per contra, learned counsel appearing for respondent-MDDA submits that the order impugned was passed for sealing the property in-question only after the

compounding application (MAP No.R-1588/25-26) of the petitioner had been rejected. However, learned counsel for respondent-MDDA was unable to ascertain whether an opportunity of hearing had been given to the petitioner or not. He explained that the objections raised by the MDDA were required to be removed within a particular time frame and if objections were not removed, the application would stand automatically rejected.

5. Having heard learned counsel for the parties and upon perusal of the record of the case, this Court is of the view that since the rejection of the application (MAP No.R-1588/25-26) for compounding entails serious civil consequences for the petitioner, an opportunity of hearing ought to have been given to the petitioner before passing such an order. It is also observed that since petitioner submits that she has also removed the objections raised by the MDDA, the compounding application (MAP No.R-1588/25-26) should not have been rejected.

6. In view of the aforesaid, the writ petition is allowed. Respondent-MDDA/Prescribed Authority/Joint Secretary of the MDDA, Dehradun, is directed to reconsider the compounding application ((MAP No.R-1588/25-26), keeping in view the fact that the objections raised by the MDDA, if removed by the petitioner, ignoring the earlier rejection of the compounding application (MAP No.R-1588/25-26), after providing an adequate and proper opportunity of hearing to the petitioner, in accordance with law. The said exercise shall be completed by respondent-MDDA within a period of eight weeks from today. Till eight weeks, respondent-MDDA shall not proceed to seal the aforesaid property in-

question.

7. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
02.11.2026

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