

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI**

Original Application No 463/2022

In the Matter Of :

Vipin Nayyar

-Applicant

vs.

Union of India

-Respondent

NDOH: 19.11.2024

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3	Annexure B: Copy of Receipt of Rs 25000/-	



Savin Bansal

District Magistrate

Filed By



DEEPAK BORA

Counsel for the State of Uttarakhand
17, New Lawyers Chambers,

Setalvad Block,
Supreme Court of India
New Delhi-110001
Mobile No. 9971578987



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In the Matter of: -

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--- Applicant

Vs.

Union of India

--- Respondents

Status Report on behalf Of District Magistrate, Dehradun.

1. This Hon'ble Court took up the aforementioned matter on 07.08.2024, and the next hearing is scheduled for 19.11.2024.
2. That in lieu of the continuation of the compliance report it was been submitted by the Sub-Divisional Magistrate, Rishikesh vide office letter no. 203/SPA/2024 dated 02.08.2024 (Copy already on record) that Respondent 6 and 7 i.e. Hide Out Café and Hotel Ganga Forest View moved an application in the Hon'ble High Court regarding the impugned demolition order and the Hon'ble High Court vide its order dated 20.07.2024, ordered as follow: -



"The petitioner is aggrieved by the order dated 16.5.2024, whereby the property in question was sealed by the orders of S.D.M/ presiding officer, MDDA, Rishikesh, as well as the order dated 08.07.2024, whereby the property was directed to be demolished.

Learned counsel for the respondents prays for and is granted six weeks' time to file a counter affidavit(s). List on 14.10.2024. In the meantime, the petitioner shall implead the caveator as party-respondent in the matter.

Till then, status quo shall be maintained over the property in question." A copy of the said order is already on record.

3. That regarding Hotel Ganga Forest View 86, 86/1 Street No. 06 Virbhadr Marg Rishikesh District Dehradun, Hon'ble High Court of Uttarakhand vide its order dated 24.07.2024, mentioned as follow: -

"Order of demolition has evil and civil consequences to petitioners. Therefore, it was incumbent upon them. the competent authority to consider the stand taken by petitioners in their reply.

However, the impugned demolition order is silent regarding the reply, and the stand taken by petitioners therein has not been considered, which is not in consonance with the principles of natural justice on this short point alone, the impugned demolition order is liable to be quashed and is hereby quashed.

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Accordingly, the writ petition is allowed. The matter is remitted back to the Vice Chairman, Mussoorie Dehradun development authority, to pass an order afresh only after considering the reply submitted by petitioners within eight weeks from the date of production of a certified copy of this order. Petitioners shall be at liberty to produce the sanctioned plan, if available with them before the vice chairman." A copy of the said order is already on record.

4. That the Vice- Chairman Vide its letter no 2460, dated 13th November 2024 had informed the ADM(E), Dehradun regarding writ petition number 1961/2024 Nitin Dev vs State, that the respondent Shri Nitin Dev son of Shri Dev Raj has got his building plan compounded by filing application number OR/406/24-25/RE. The Authority has received the legal opinion from his Advocate who has clarified in its opinion dated 08.11.2024 and has informed that as per order dated 07.11.2024 it is cleared that opposite party has withdrawn his writ petition no 1961/2024 from the Hon'ble High Court of Nainital. Due to which the construction of the opponent has been unsealed by the Authority on 08.11.2024.
5. That in relation to Writ Petition No. 1953/2024 i.e the Hotel Ganga Forest View, the Respondent Shri Sunil Kumar Arora / Shri Rajiv Arora, presented the certificate dated 27.09.2004 issued by the Municipal Corporation Rishikesh (photocopy attached) and the letter of sanction dated 26.10.2024 was also presented by the respondent regarding the construction (photocopy attached). In addition to it, the respondent had also

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submitted an Affidavit in support. Keeping all the parameters into consideration, the property of the respondent was unsealed by the Authority. The letter of Vice Chairman, MDDA to ADM, Dehradun is annexed herewith and marked as **Annexure A.**

6. That the Hon'ble Tribunal vide its order dated 07.08.2024 directed the District Magistrate to deposit the Cost of Rs 25000/- in compliance of the order dated 22.03.2024. The Copy of receipt of Rs 25000/- is annexed herewith and marked as **Annexure B.**
7. In view of the above, the present actions taken report may kindly be taken on record.



Savin Bansal
District Magistrate
Dehradun

दिल्ली
दिल्ली

Through



DEEPAK BORA

Counsel for State of Uttarakhand
17, New Lawyers Chambers,
Setalvad Block, Supreme Court of India
New Delhi-110001
Mobile No. 9971578987
Email- adv.deepakbora@gmail.com



IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI



IN THE MATTER OF:
VIPIN NAYYAR

--- Applicant

Vs.

UNION OF INDIA & ORS

--- Respondent

AFFIDAVIT

I, Savin Bansal, Son of Shri Shashi Bansal aged about 40 years, presently posted as District Magistrate, Dehradun, Uttarakhand, do hereby solemnly affirm on oath and state as under;

1. In my above-mentioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent and duly authorised to file a present Affidavit.
2. That I have gone through the status report in the above-mentioned matter and state that the contents are best of my knowledge on record.
3. That the annexures are true copies of their respective

affidavit is sworn to by me by
Savin Bansal
is identified by
Dehradun

[Signature]

DEPONENT

VERIFICATION

KM. URMILA BHATIA
Advocate & NOTARY, Dehradun

I, the deponent above named, do hereby verify and say that the contents by way of the affidavit are true and correct to my knowledge based on the record, no part of it is false, and nothing material has been concealed therefrom. Verified by me at Dehradun, Uttarakhand on this 18 day of November 2024.



[Signature]

DEPONENT

Identified by
[Signature]
RAJEEV ACHARYA Advocate
D.G.C. (CIVIL) D.DUN
Reg. No.: UK2076/2004
UP 798/1991
Mobile: 9719054541

कार्यालय मसूरी देहरादून विकास प्राधिकरण,
शाखा कार्यालय, एच-21, ऋषिलोक कालोनी, ऋषिकेश, जिला-देहरादून।

पत्रांक: 2801 /24-25

दिनांक:- 14 नवम्बर 2024

सेवा में,

संयुक्त सचिव, म0दे0वि0प्रा0/उपजिलाधिकारी,
ऋषिकेश।

विषय:- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित मूल आवेदन संख्या-463/2022 नैय्यर वनाम
यूनियन ऑफ इण्डिया के संबंध में।

महोदया

कृपया उपर्युक्त विषयक सम्मुख संलग्न अपर जिलाधिकारी (प्र0) देहरादून के कार्यालय पत्र संख्या
735/एल0बी0सी0-2024 दिनांक 08 नवम्बर, 2024 का संज्ञान लेने का कष्ट करें। पत्र में उल्लेखित प्रकरणों
के संबंध में प्राधिकरण शाख कार्यालय, ऋषिकेश की कार्यालय आख्या प्राधिकरण के पत्र संख्या
2460/24-25 दिनांक 13 नवम्बरी 20.24 के द्वारा उपाध्यक्ष महोदय कार्यालय से संबंधित को प्रेषित की जा
चुकी है, जिसकी छायाप्रति संलग्न कर आपको सादर अवलोकनार्थ प्रेषित है।

कृपया सादर सूचनार्थ प्रेषित।

संलग्नक:-उपरोक्तानुसार।

भवदीय

सहायक अभियन्ता
शाखा कार्यालय, ऋषिकेश।



पुं

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Office of Mussoorie Dehradun Development Authority,
Branch Office, H-21, Rishi Lok Colony, Rishikesh, District-Dehradun.

Letter No.: 2801 /24-25

Date-14.11.2024

To,

Joint Secretary, M.D.V. Primary / Sub-District Magistrate,
Rishikesh.

Subject: - Original Application No.463/2022 filed in Hon'ble National Green
Tribunal, New Delhi in respect of Nayar Vs. Union of India.

Madam,

Please take cognizance of the office letter number 735/LBC-2024 dated 08
November, 2024 of Additional District Magistrate (Administration) Dehradun
attached in front of the above subject. Regarding the matters mentioned in the
letter, the official report of the Authority Branch Office, Rishikesh has been sent to
the concerned Vice President through the Authority's letter number 2460/24-25
dated 13 November 2024, a photocopy of which is attached and sent to you for
your respectful perusal.

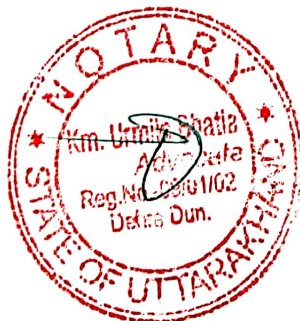
Please send for respectful information.

Enclosure-As above.

Yours sincerely,

Assistant Engineer,

Branch Office, Rishikesh.



Attested Photo Copy

Km. URMILA BHATIA
Advocate & NOTARY, Dehradun

कार्यालय मसूरी देहरादून विकास प्राधिकरण,
शाखा कार्यालय, एच-21, ऋषिलोक कालोनी, ऋषिकेश, जिला-देहरादून।

पत्रांक: / 2460 / 24-25

दिनांक:- 13 नवम्बर 2024

सेवा में,

अपर जिलाधिकारी (PO)
देहरादून।

विषय:- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित मूल आवेदन संख्या-483/2022 नैय्यर बनाम यूनियन ऑफ इण्डिया के संबंध में।

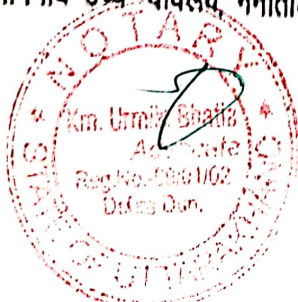
महोदय,

कृपया उपर्युक्त विषयक अपने कार्यालय पत्र संख्या 735/एल0बी0सी0-2024 दिनांक 08 नवम्बर, 2024 का संज्ञान लेने का कष्ट करें। पत्र में उल्लेखित प्रकरणों के संबंध में प्राधिकरण शाखा कार्यालय, ऋषिकेश की कार्यालयीय आख्या निम्नानुसार है-

1.रिट याचिका संख्या 1961/2024 नितिनदेव बनाम राज्य के संबंध में अवगत करना है कि प्रश्नगत प्रकरण में विपक्षी श्री नितिन देव पुत्र श्री देव राज निवासी ऋषिकेश द्वारा अवैध निर्माण कार्य किये जाने के कारण सम्यक सुनवाई उपरान्त प्राधिकरण द्वारा अपने आदेश 2284 दिनांक 16 मई 2024 द्वारा सीलिंग आदेश पारित किये गये थे, जिसके अनुपालन में विपक्षी का निर्माण प्राधिकरण द्वारा दिनांक 11.05.2024 के द्वारा सील कर दिया गया था। वर्तमान में विपक्षी द्वारा अपने निर्माण को शमन मानचित्र आवेदन संख्या ओ0आर0/0406/24-25/आरई2 के द्वारा शमन कराया जा चुका है। प्रश्नगत पत्रावली पर प्राधिकरण अधिवक्ता से विधिक राय प्राप्त की गयी है। प्राधिकरण अधिवक्ता द्वारा अपनी विधिक राय दिनांक 08.11.2024 में स्पष्ट करते हुये लिखित रूप से अवगत कराया गया है कि विपक्षी द्वारा माननीय उच्च न्यायालय नैनीताल में योजित की गयी अपनी रिट पिटीशन संख्या 1961 (एम0एस0) आफ 2024 को वापस ले लिया गया है (छायाप्रति संलग्न) जैसा कि मा0 उच्च न्यायालय द्वारा योजित अपील में अन्तिम निर्णय दिनांक 07.11.2024 में स्पष्ट है (छायाप्रति संलग्न)। विपक्षी द्वारा अपना निर्माण शमन कराये जाने व प्रकरण के संबंध में माननीय उच्च न्यायालय नैनीताल में योजित की गयी अपनी रिट पिटीशन संख्या 1961 (एम0एस0) आफ 2024 को वापस लिये जाने के कारण विपक्षी के सीलड निर्माण को प्राधिकरण द्वारा दिनांक 08.11.2024 को सीलअवमुक्त कर दिया गया है।

1.रिट याचिका संख्या 1953/2024 होटल गंगा फॉरेस्ट ब्यू, बनाम राज्य के संबंध में अवगत करना है कि प्रकरण में विपक्षी श्री सुनील कुमार अरोडा/श्री राजीव अरोड, होटल गंगा फॉरेस्ट ब्यू 86, 86/1 गली नम्बर-06, बीरभद्र मार्ग, ऋषिकेश के विरुद्ध प्राधिकरण द्वारा योजित वाद संख्या सी-0001/2022 में प्राधिकरण द्वारा पारित ध्वस्तीकरण आदेश दिनांक 08.07.2024 को माननीय उच्च न्यायालय नैनीताल द्वारा प्रकरण के संबंध में याजित रिट पिटीशन संख्या 1953/2024

कमशर.....2



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Office of Mussoorie Dehradun Development Authority,
Branch Office, H-21, Rishi Lok Colony, Rishikesh, District-Dehradun.

Letter No.: 2801 /24-25

Date-13.11.2024

To,

Additional District Magistrate,
Dehradun.

Subject: Original Application No.463/2022 filed in Hon'ble National Green Tribunal, New Delhi in respect of Nayyar Vs. Union of India.

Sir,

Please take cognizance of your office letter number 735/LBC-2024 dated 28 November, 2024 regarding the above subject. Regarding the matters mentioned in the letter, the working order of the Authority Branch Office, Rishikesh is as follows-

1. It is to be informed regarding the writ petition number 1961/2024 Nitin Dev Banan State that in the present case, due to illegal construction work done by the accused Shri Nitin Dev son of Shri Dev Raj resident Rishikesh, after due hearing, the Authority passed sealing orders by its order 2254 dated 16 May 2024, in compliance with which the construction of the opponent was sealed by the Authority dated 11.05.2024. Presently, the opponent has got his construction mitigated through the Map Application No. OR/0406/24-25/RE. Legal opinion has been obtained from the Authority Advocate on the file in question. The Authority Advocate has clarified in his legal opinion dated 08.11.2024 and has informed in writing that the writ petition number 1961 (MS) of 2024 filed by the opponent in the Hon'ble High Court of Nainital has been sealed on (photocopy enclosed) as is clear in the final decision dated 07.11.2024 in the appeal filed by the new High Court (photocopy enclosed). Due to the opponent getting his construction mitigated and withdrawing his writ petition number 1961 (MS) of 2024 filed in the Hon'ble High Court of Nainital in relation to the case, the sealed construction of the opponent has been unsealed by the Authority on 08.11.2024.

1. It is to be informed regarding the writ petition number 1953/2024 Hotel Ganga Forest Beau vs State that in the case against the party Shri Sunil Kumar Arora / Shri Rajiv Arora, Hotel Ganga Forest Beau 86. 86/1, Gali No.-06 Virbhadr Marg Rishikesh, the demolition order dated 08.07.2024 passed by the Authority in case number SRI-0001/2022 was stayed by the Hon'ble High Court, Nainital in respect of the case writ petition number 1953/2324. Under the said Act, the demolition order dated 08.07.2024 passed by the Authority has been cancelled and the petitioner has been ordered to present



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के अन्तर्गत प्राधिकरण द्वारा पारित ध्वस्तीकरण आदेश दिनांक 08.07.2024 को निरस्त करते हुये यविकाकर्ता को सुनवाई हेतु समस्त दस्तावेज प्रस्तुत किये जाने तथा सम्यक सुनवाई का अवसर प्रदान करते हुये निर्णय लेने हेतु आदेशित किया गया है। इस संबंध में विपक्षी द्वारा अपने निर्माण के संबंध में नगर निगम ऋषिकेश द्वारा निर्गत प्रमाण पत्र दिनांक 27.09.2024, (छायाप्रति संलग्न) तथा प्रस्तुत शपथ पत्र दिनांक 26.10.2024, (छायाप्रति संलग्न) के आचार पर विपक्षी की प्राधिकरण द्वारा दिनांक 16.05.2024 को सील की गयी सन्मति को प्राधिकरण द्वारा सील अवगुप्त कर दिया गया है।

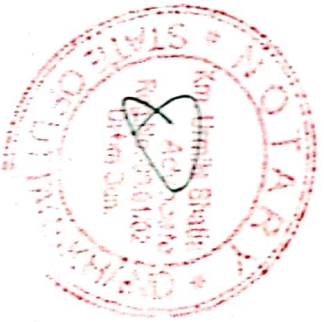
कृपया आख्या अवलोकनार्थ/संज्ञानार्थ प्रेषित है।

संलग्नक:- उपरोक्तानुसार ।

भवदीय,

(उपाध्यक्ष)

मसूरी देहरादून विकास प्राधिकरण,
देहरादून।



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all the documents for hearing and to take a decision after providing an opportunity for proper hearing. In this regard, on the basis of the certificate dated 27.09.2024 issued by the Municipal Corporation Rishikesh regarding its construction by the opponent (photocopy attached) and the affidavit dated 26.10.2024 (photocopy attached), the property of the opponent which was sealed by the Authority on 16.05.2024 has been released from the seal by the Authority.

Please send the report for perusal/cognition.

Yours sincerely
Vice President
Chairman Mussoorie
Dehradun Development authority
Dehradun



Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Dehradun

WPMS No.1961 of 2024

Hon'ble Pankaj Purohit, J.

Mr. Dushyant Mainali, Advocate for the petitioner.

2. Mr. D.S. Bora, S.C. for the State.

3. Mr. Rahul Consul, Advocate for respondent no.2.

Withdrawal Application (IA No.3 of 2024)

4. It is contended by learned counsel for the petitioner that the petitioner wants to withdraw the writ petition as the writ petition has now rendered infructuous as no cause of action survives as the compounding application filed by the petitioner has already been allowed by the respondent Authority- M.D.D.A.

5. Accordingly writ petition is dismissed as withdrawn.

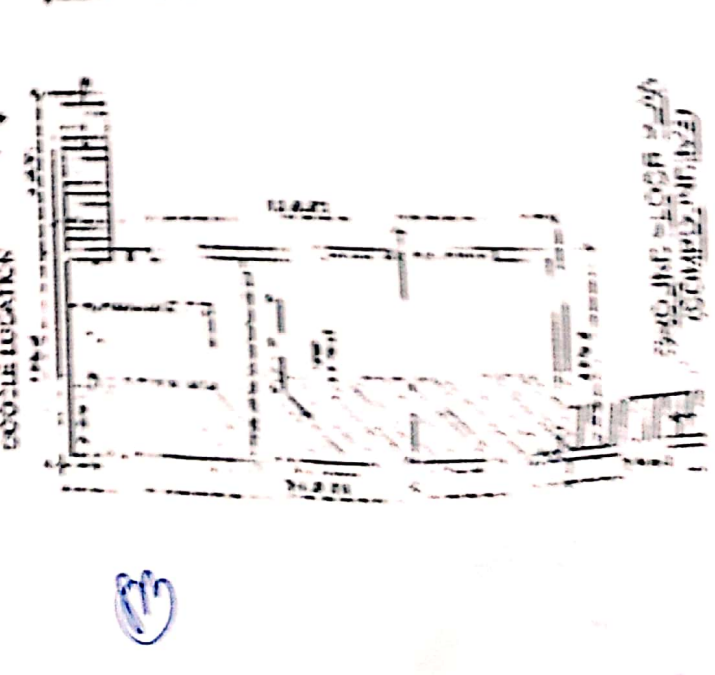
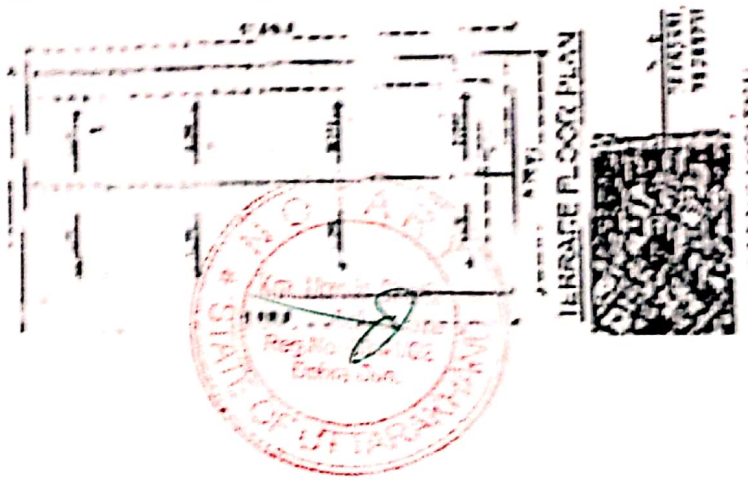
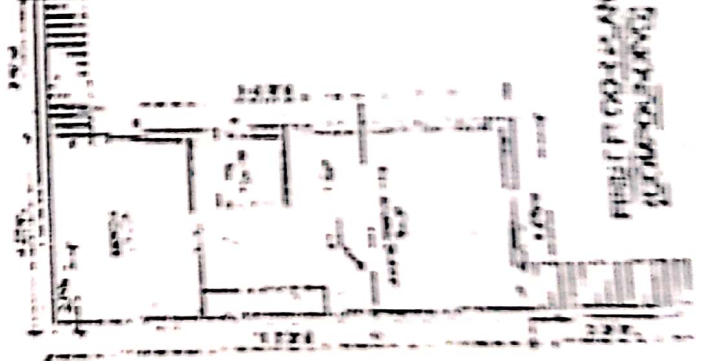
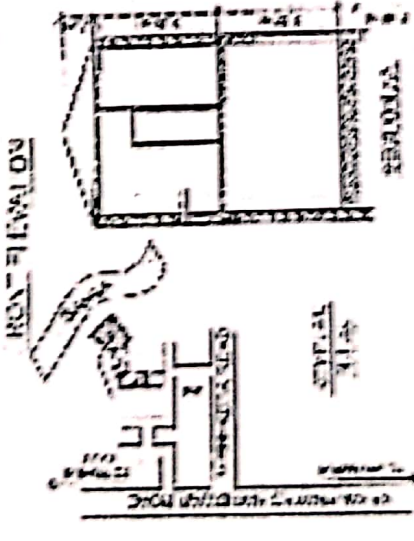
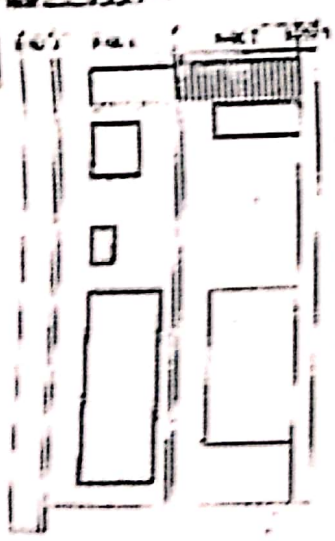
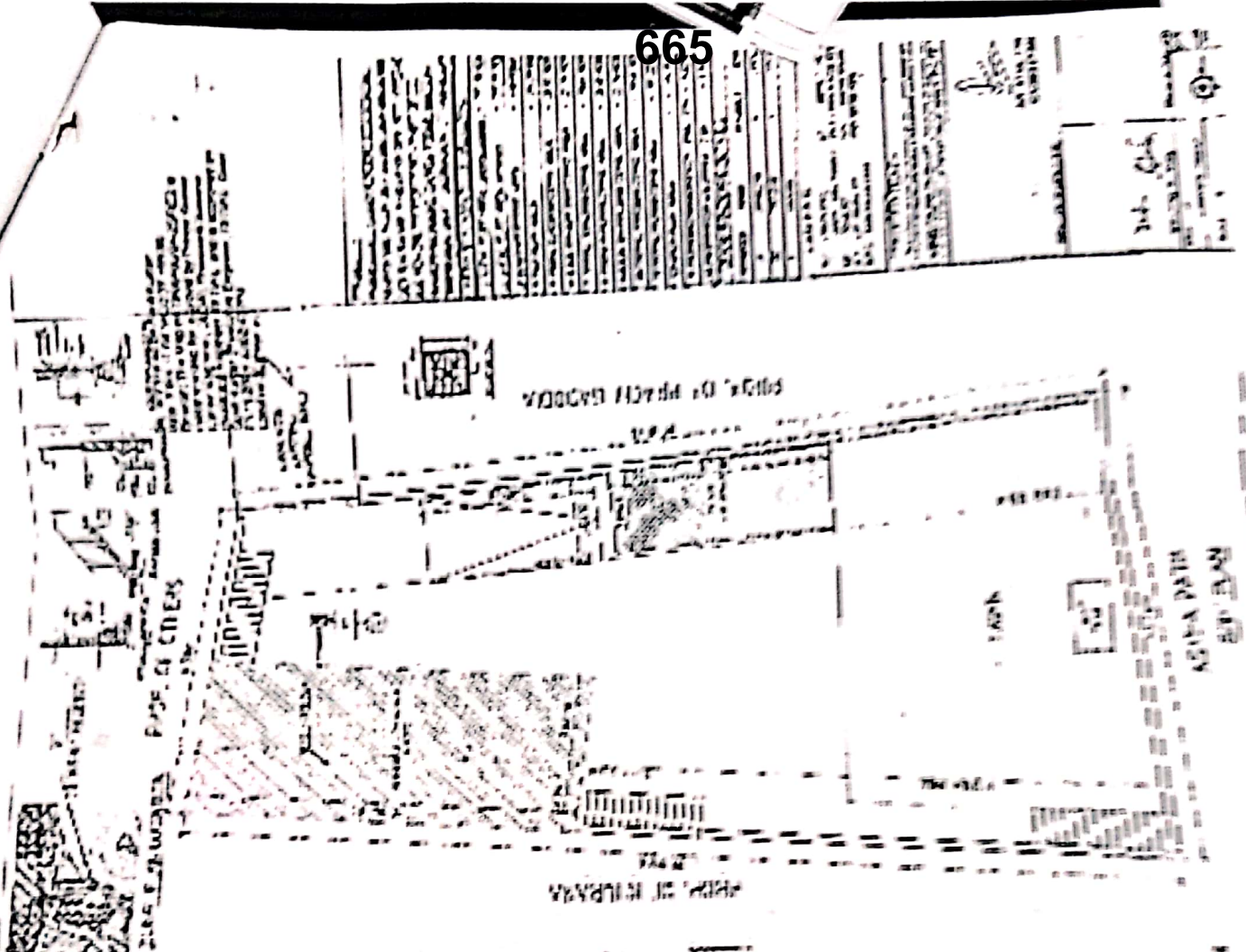
SK

(Pankaj Purohit, J.)
07.11.2024

Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Dahmedu

SK





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Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPMS No. 1953 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Neeraj Garg, Advocate for the petitioners.</p> <p>2. Mr. Rahul Consul, Advocate for respondent nos. 1 to 4.</p> <p>3. Mr. K.K. Sah, Addl. CSC and Mr. Suyash Pant, Standing Counsel for the State of Uttarakhand/respondent no. 5.</p> <p>4. Mr. Vipin Nayyar, Caveator, in person.</p> <p>5. Petitioners own a building at Veerbhadra Road, Rishikesh, which according to them was purchased in the year 2018 from M/s Express Towers Ltd. It is further their case that the entire property comprised of land and building originally belonged to Mr. Dayal Singh Rawat, who sold it to M/s M/s Express Towers Ltd., by a registered sale deed in the year 2006.</p> <p>6. A demolition order has been passed in respect of the said building by Mussoorie Dehradun Development Authority vide order dated 08.07.2024. Petitioners have challenged the said order in this writ petition.</p> <p>7. The sole ground of challenge is that in earlier writ petition filed by petitioners against a show cause notice, this Court granted liberty to petitioners to submit reply to the competent authority and the competent authority was asked to consider petitioners' reply and pass appropriate order, but the reply submitted by petitioners has not been considered at all.</p> <p>8. Learned counsel for petitioners contends that the demolition order has been passed in a mechanical manner, without considering reply to the show cause notice. He referred to the</p>



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demolition order, which in fact, do not advert to the reply given by petitioners. He further submits that demolition has been ordered against the building of petitioners, only on the ground that interim order was refused to petitioners in their earlier writ petition.

9. Per contra, Mr. Rahul Consul, learned counsel appearing for Mussoorie Dehradun Development Authority submits that petitioners were repeatedly asked to produce the sanctioned house plan, however, petitioners could not produce the same, which indicates that the building was constructed without sanctioned house plan. He thus submits that the competent authority was justified in passing order of demolition against the building in question.

10. Order of demolition has evil and civil consequences to petitioners; therefore, it was incumbent upon the competent authority to consider the stand taken by petitioners in their reply. However, the impugned demolition order is silent regarding the reply and the stand taken by petitioners therein, has not been considered which is not in consonance with the principles of natural justice. On this short point alone, the impugned demolition order is liable to be quashed and is hereby quashed.



11. Accordingly, the writ petition is allowed. The matter is remitted back to the Vice Chairman, Mussoorie Dehradun Development Authority to pass order, afresh, only after considering the reply submitted by petitioners, within eight weeks from the date of production of certified copy of this order. Petitioners shall be at liberty to produce the sanctioned plan, if available with them, before the Vice Chairman.

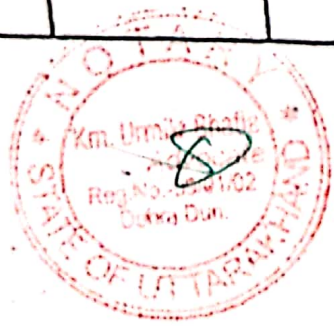

(Manoj Kumar Tiwari, J.)
24.07.2024

Navin

Compared by Hari R

PHOTOSTAT
TRUE-COPY


Assistant Registrar
High Court
27.07.24 



Confidential & Privileged Communication
Subject to Counsel – Client Privilege

Dated: 08.11.2024.

To,

The Assistant Engineer
MDDA,
Rishikesh.

Reg : Opinion in Case file No. C-0003/2022 in the name of Shri Nitin Dev, Hide
Out Café, Rishikesh.

Sir,


An opinion has been sought as to the further proceedings to be initiated by MDDA in
the matter at hand after the compounding of the map.

Record reveals that the Compounding Map No. OR 0406/2024-25/RE-2 submitted on
30.09.2024 by the Applicant has been approved on 01.11.2024. Further, the Writ
Petition No. 1961 (M/S) of 2024- Nitin Dev V/s State and others filed by the Applicant
stands withdrawn on 07.11.2024. Copy of the order is enclosed.

The Writ Petition has also been withdrawn and the interim order dated 20.07.2024 for
maintenance of status quo stands finally merged with final order dated 07.11.2024 of
withdrawal.

In view of the withdrawal of the aforesaid Writ Petition as well as compounding of the
map, the premises sealed is liable to be de-sealed.

Submitted


AMIT CHAUDHARY
ADVOCATE.



Encls: Opinion along with original Case file No. C-0003/2022 in the name of Shri Nitin
Dev, Hide Out Café, Rishikesh.

Attested Photo Copy


Km. URMILA BHATIA
Advocate & NOTARY, Dehradun



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नगर निगम ऋषिकेश

कार्यालय:- नगर निगम ऋषिकेश।

• हरिद्वार रोड़ ऋषिकेश, जिला-देहरादून, पिन-249201

☎: www.nagarnigamrshikesh.com, ✉: npprshikesh@gmail.com

☎: 0135-243-0015, ☎: 18003135292



नगर निगम ऋषिकेश

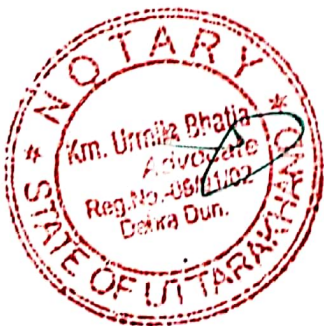
पत्रांक ३३३/भवनकर/07/2024-2025

दिनांक:- 27/9/2024

प्रमाण-पत्र

प्रमाणित किया जाता है कि सम्पत्ति संख्या पुराना-86/86/1, वीरभद्र मार्ग, ऋषिकेश जोकि पूर्व में नगर पालिका अभिलेखों में श्री दयाल सिंह रावत के नाम अंकित थी, जो कि सम्पत्ति (निर्मित भवन) 1977-1982 से दर्ज चली आ रही है। वर्तमान में उक्त सम्पत्ति संख्या-86/86/1, वीरभद्र मार्ग, ऋषिकेश का एक भाग नगर निगम अभिलेखों में सम्पत्ति संख्या-97/1, वीरभद्र मार्ग, ऋषिकेश श्रीमती रमा अरोड़ा पत्नी श्री मदन लाल के नाम दर्ज है।

कर एवं राजस्व अधिकांक
नगर निगम, ऋषिकेश



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Office: - Municipal Corporation Rishikesh.

Haridwar Road Rishikesh, District-Dehradun, Pin-249201

Municipal Corporation Rishikesh: www.nagarnigamrishikesh.com,
nprishikesh@gmail.com: 0135-243-0015, : 18003135292

Letter No.: 219/Bhawankar/07/2024-2025

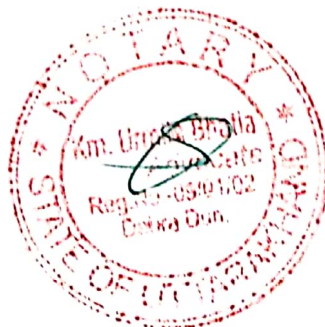
Dated:- 27/3/2014

certificate

It is certified that the property number old-86/86/1, Virbhadra Marg, Rishikesh which was earlier registered in the name of Shri Dayal Singh Rawat in the Municipal Corporation records, which property (constructed building) has been registered since 1977-1982. At present, a part of the said property number-86/86/1, Virbhadra Marg, Rishikesh is registered in the Municipal Corporation records as property number-97/1, Virbhadra Marg, Rishikesh in the name of Mrs. Rama Arora wife of Shri Madan Lal.

Tax and Revenue Superintendent
Municipal Corporation, Rishikesh

Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Dehradun



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कार्यालय मसूरी देहरादून विकास प्राधिकरण,
शाखा कार्यालय, एच-21, ऋषिलोक कालोनी, ऋषिकेश, जिला-देहरादून।

पत्रांक: 12802 /24-25

दिनांक:-14 नवम्बर 2024

सेवा में,

संयुक्त सचिव, म0दे0वि0प्रा0/उपजिलाधिकारी,
ऋषिकेश।

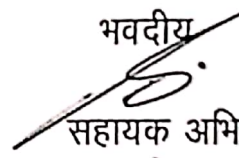
महोदय,

कृपया रिट पिटिशन संख्या 2094/2024 होटल गंगा फारेस्ट व्यू बनाम राज्य के संबंध में अवगत कराना है कि प्रश्नगत प्रकरण माननीय उच्च न्यायालय, नैनीताल में सुनवाई में विचाराधीन है तथा प्रकरण में सुनवाई हेतु 30.12.2021 की तिथि नियत है। विपक्षी द्वारा इस आशय की सूचना कार्यालय में प्रस्तुत की गयी है कि वह माननीय उच्च न्यायालय में योजित/विचाराधीन रिट पिटिशन 2094/2024 को वापस ले रहे हैं (छायाप्रति संलग्न)।

कृपया सादर सूचनार्थ प्रेषित।

संलग्नक:-उपरोक्तानुसार।

भवदीय


सहायक अभियन्ता
शाखा कार्यालय, ऋषिकेश।





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Office of Mussoorie Dehradun Development Authority, Branch Office, H-21,
Rishilok Colony, Rishikesh, District-Dehradun.

Letter No.: 2802/24-25

Date-14 November

To,
Joint Secretary, M.D.V.P./ Sub-District Magistrate, Rishikesh.

Sir,

Please inform regarding writ petition number 2094/2024 Hotel Ganga Forest View vs State that the case in question is pending in the Hon'ble High Court, Nainital and the date for hearing in the case is fixed as 30.12.20214. The opponent has submitted a notice in the office to the effect that he is withdrawing the writ petition 2094/2024 filed/pending in the Hon'ble High Court (photocopy attached).

Kindly send it for your information.

Attachment: As above.

Yours truly

Assistant
Branch Office, Rishikesh.

Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Dehradun



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IN THE HON'BLE HIGH COURT OF UTTARAKHAND AT NAINITAL

INDEX
IN
WITHDRAWAL APPLICATION NO.....OF 2024
(On behalf of petitioners)
IN
WRIT PETITION NO.: 2094 OF 2024 (M/S)
(Under Article 226 of the Constitution of India)

(DISTRICT: DEHRADUN)

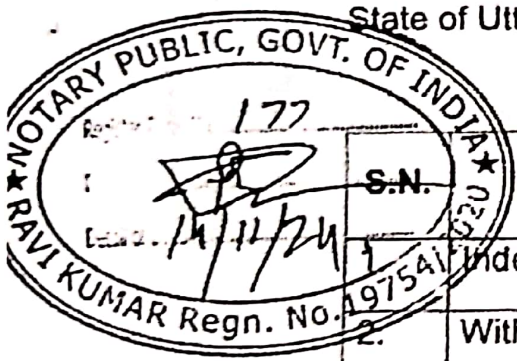
Hotel Ganga Forest View & Another

.....Petitioners

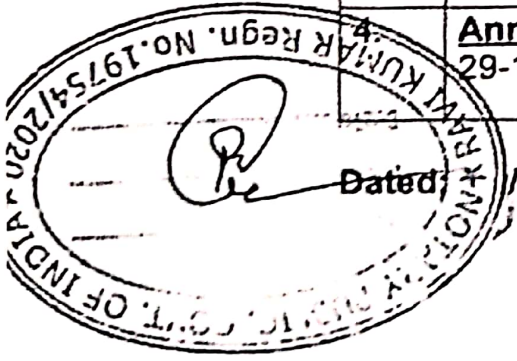
VERSUS

State of Uttarakhand & Others

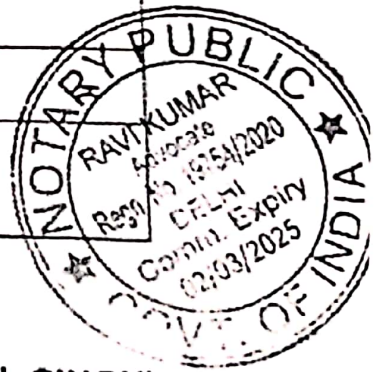
.....Respondents



S.N.	Particulars	Page No.
1.	Index	
2.	Withdrawal Application	
3.	Affidavit	
4.	<u>Annexure No.1</u> – Copy of order dated 29-10-2024.	



Dated: 11/11/2024



(NEERAJ GARG) (YASHPAL SINGH)
Advocates
Counsel for the Petitioners



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IN THE HON'BLE HIGH COURT OF UTTARAKHAND AT
NAINITAL

WITHDRAWAL APPLICATION NO.....OF 2024
(On behalf of petitioners)

IN

WRIT PETITION NO.: 2094 OF 2024 (M/S)
(Under Article 226 of the Constitution of India)

(DISTRICT: DEHRADUN)

1. Hotel Ganga Forest View, 86 & 86/1, Virbhadra Road, Rishikesh, District Dehradun, through its Authorized Representative Sri Manoj Kumar, aged about 43 years, S/o Shri Madan Lal, R/o 244, Priyadarshni Vihar, Laxmi Nagar, Shakarpur, East Delhi-110092.
2. Smt. Rama Arora, aged about 70 wife of Sri Madan Lal, resident of 244, Priyadarshni Vihar, Laxmi Nagar, Shakarpur, East Delhi-110092 through her son and authorized representative Sri Manoj Kumar, aged about 43 years, S/o Shri Madan Lal, R/o 244, Priyadarshni Vihar, Laxmi Nagar, Shakarpur, East Delhi-110092.

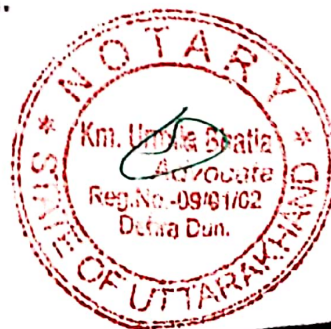
.....Petitioners

VERSUS

1. State of Uttarakhand through Secretary Urban Planning Housing and Development, Secretariat Complex, Subhash Road, Dehradun.
2. Joint Administrator Uttarakhand Housing And Town Development Authority, Dehradun.

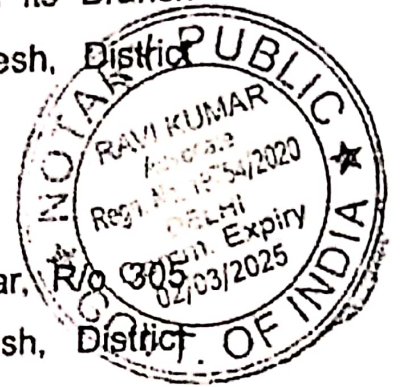
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3. Commissioner Garhwal Mandal/Chairman Mussoorie-Dehradun Development Authority, Dehradun.
4. Mussoorie-Dehradun Development Authority, having its Office at Transport Nagar, Saharanpur Road, Dehradun, through its Vice Chairman/Secretary.
5. Sub-Divisional Magistrate/Presiding Officer, Mussoorie-Dehradun Development Authority, having its Branch Office at H-21, Rishilok Colony, Rishikesh, District Dehradun.
6. District Magistrate, Dehradun.
7. Vipin Nayyar, S/o Surinder Kumar Nayyar, R/o 305 Gali No. 8, Veerbhadra Road, Rishikesh, District Dehradun.



.....Respondents

To,

The Hon'ble Chief Justice and his other companion Judges of the aforesaid Court

The humble application of the applicant named above most respectfully showeth:-

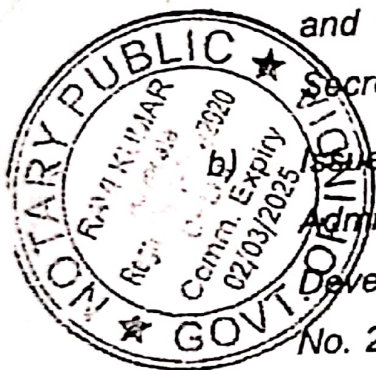
1. That the instant writ petition has been filed seeking following relief: -
 - a) *Issue a writ, order, or direction in the nature of certiorari quashing the impugned order dated 15-07-2024 passed by Chairman MDDA/Commissioner Garhwal Mandal (Annexure No. 1 to the writ petition), (whereby*



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Commissioner Garhwal Mandal/Chairman MDDA holding that since he is party respondent before National Green Tribunal in OA No. 463 of 2022, Vipin Nayyar Vs. Union of India & others, has no jurisdiction hear the appeal of petitioners and consequently recalled the order dated 11-06-2024, dismissing Appeal No. 151 of 2023-24, Hotel Ganga Forest View Vs. Secretary MDDA, (Under Section 28-A(4) of The Urban and Country Planning and Development Act, 1973) and directed to place the file of appeal before Secretary Housing State of Uttarakhand).



Issue a writ, order or direction, directing Joint Administrator Uttarakhand Housing And Town Development Authority, Dehradun (Respondent No. 2) to hear and decide in accordance with law the interim relief application as well as revision of petitioners bearing no. RN/0020/2024 U/s 7-B(4) of The Uttarakhand Urban and Country Planning and Development Act, 1973 filed against order dated 11-06-2024 of learned Commissioner Garhwal Mandal/Chairman MDDA at the earliest possible date, if possible by the next date fixed i.e. 13-08-2024.

- c) Any other order or direction which this Hon'ble court deems fit and proper in facts and circumstances of the case, be passed.

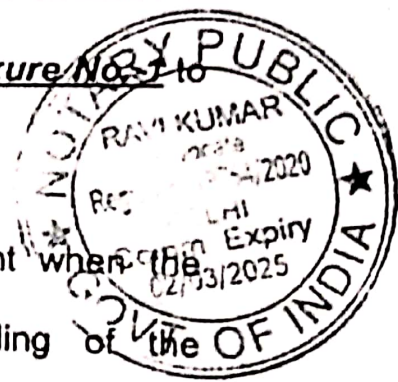


d) To award cost of the petition to the Petitioners.

2. That during pendency of instant writ petition Vice Chairman Mussoorie-Dehradun Development Authority, Dehradun after considering the documents filed by petitioners, vide order dated 29-10-2024 directed the premises of petitioners to be de-sealed. In compliance of order dated 29-10-2024 the property has been de-sealed. Copy of order dated 29-10-2024 is being filed herewith and marked as Annexure No. 1 to this application.

3. That in view of subsequent development when the order dated 16-05-2024 directing sealing of property lost its significance and stands revoked as a consequence of passing of order dated 29-10-2024, the proceedings arising out of order dated 16-05-2024 and its consequential proceedings have become infructuous.

4. That as such in view of the aforesaid development, no useful purpose would be served in keeping the instant writ petition pending and thus petitioner seeks leave of



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this Hon'ble Court to withdraw the writ petition, with liberty to file afresh, if need be.

- 5. That as such it would be expedient in the interest of justice that petitioner be permitted to withdraw the writ petition with liberty to file afresh, if need be, failing which petitioner shall suffer irreparable loss.



PRAYER

is, therefore, most respectfully prayed that withdrawal application be allowed, petitioner be permitted to withdraw the writ petition with liberty to file afresh petition, if need be, and writ petition be dismissed as withdrawn with the liberty to file fresh writ petition, if need be, failing which applicants/petitioners shall suffer irreparable loss.

Dated: /11/2024

(NEERAJ GARG) (YASHPAL SINGH)
Advocates
Counsel for the Petitioners

Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Delhi



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ATTESTED TRUE COPY
NOTARY PUBLIC, DELHI
GOVT. OF INDIA

14 NOV 2024

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IN THE HON'BLE HIGH COURT OF UTTARAKHAND AT
NAINITAL

AFFIDAVIT

IN

WITHDRAWAL APPLICATION NO.....OF 2024

(On behalf of petitioners)

IN

WRIT PETITION NO.: 2094 OF 2024 (M/S)

(Under Article 226 of the Constitution of India)

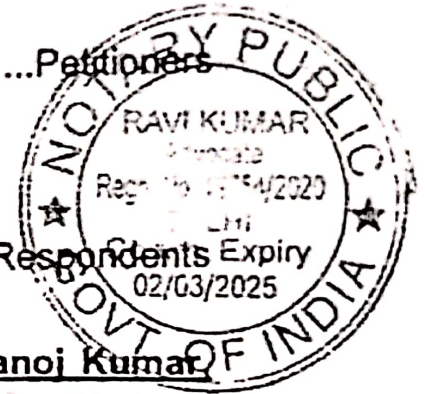
(DISTRICT: DEHRADUN)

Hotel Ganga Forest View & Another

.....Petitioners

VERSUS

State of Uttarakhand & Others

.....Respondents Expiry
02/03/2025Affidavit of Sri Manoj Kumaraged about 43 years, S/o ShriMadan Lal, R/o 244,Priyadarshni Vihar, LaxmiNagar, Shakarpur, East Delhi-110092.Deponent

I, the above named deponent do hereby solemnly
affirm and state on oath as under:-

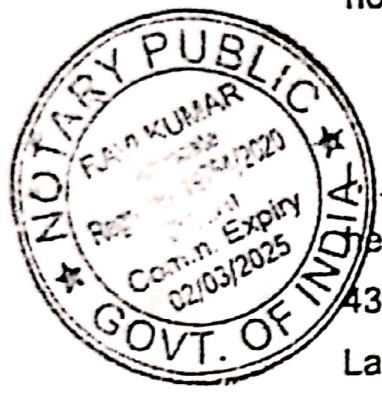
1. That the deponent is the authorized representative of
Petitioner No. 1 and son and authorized representative
of Petitioner No. 2 in the aforesaid writ petition and as



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such he is well acquainted with the facts deposed to hereunder:-

I, the deponent above named do hereby declare that contents of para no. 1 of this affidavit and those of para nos. of the accompanying application are true to my personal knowledge and those of para nos.....are based on records. No part of this affidavit and accompanying application is false and nothing material has been concealed. SO HELP ME GOD.



[Signature]
(DEPONENT)

VISHAL KUMAR, Advocate, D/2864/2022 do hereby identify the deponent Sri Manoj Kumar, aged about 43 years, S/o Shri Madan Lal, R/o 244, Priyadarshni Vihar, Laxmi Nagar, Shakarpur, East Delhi-110092, from his Aadhaar Card bearing No.: 2956 8155 7445.

Vishal
(Advocate)

Reg. No.- _____

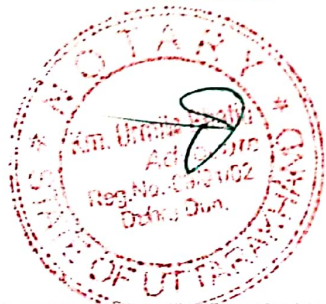
Solemnly affirm before me on this ____ day of November, 2024 at about ____/am/pm, by the deponent, who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent, who has understood the contents of the affidavit and accompanying application, and which has been read-over and explained to her by me.

Attested Photo Copy
Km. URMILA BHATI
Advocate & NOTARY, Dehradun

(NOTARY)

ATTESTED TRUE COPY
NOTARY PUBLIC, DELHI
GOVT. OF INDIA



14 NOV 2024

[Signature]

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कार्यालय मसूरी देहरादून विकास प्राधिकरण,
शाखा कार्यालय, एच-21, अपिलोक कालोनी, ऋषिकेश, जिला-देहरादून।

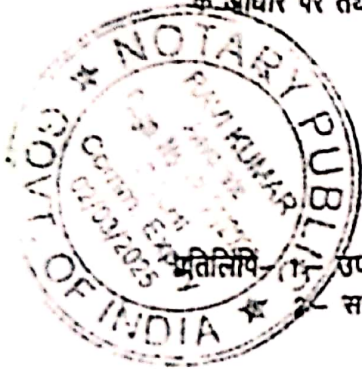
पत्रांक: 2350 / सीओ-0001 / 2022

दिनांक- 29/10/2024

श्री सुनील कुमार अरोडा/श्री राजीव अरोडा,
होटल गंगा फोरेस्ट ब्यू
86, 86/1 गली नं०-6, बौरभद्र मार्ग,
ऋषिकेश, जिला देहरादून।

प्राधिकरण द्वारा पारित ध्वस्तीकरण आदेश दिनांक 08-07-2024 के विरुद्ध विपक्षी होटल गंगा फोरेस्ट ब्यू श्रीमती रमा अरोडा द्वारा माननीय उच्च न्यायालय में रिट पिटीशन संख्या-1953/2024 योजित की गयी जिसमें उच्च न्यायालय द्वारा उक्त रिट याचिका को स्वीकृत करते हुए ध्वस्तीकरण आदेश को निरस्त करते हुए उक्त प्रकरण अधोहस्ताक्षरी को परीक्षण तथा याचिकाकर्ता को सुनवाई हेतु समस्त दस्तावेज प्रदान करने हेतु सम्पन्न अवसर प्रदान करते हुए उक्त प्रकरण में निर्णय लेने हेतु आदेशित किया गया। याचिकाकर्ता/विपक्षी को सुनवाई के सम्पन्न अवसर प्रदान किया गया तथा उनके द्वारा उक्त सम्पत्ति यथा सम्पत्ति संख्या-86, 86/1 गली नं०-6, बौरभद्र मार्ग, ऋषिकेश के सम्बन्ध में नगर निगम ऋषिकेश द्वारा निर्गत प्रमाण पत्र की प्रतिलिपि दिनांक 27-09-2024 प्रस्तुत की गयी जिसमें यह उल्लेखित है कि उक्त सम्पत्ति पूर्व निर्मित 1977-1982 से नगरपालिका अभिलेखों में दर्ज है तथा विपक्षी द्वारा एक शपथ पत्र भी प्रस्तुत किया गया जिसमें उनके द्वारा उक्त सम्पत्ति पूर्व निर्मित बताया गया है। उक्त भवन में यदि कोई विचलन है तो उसको शमन कराने हेतु शपथ पत्र प्रस्तुत किया गया है। प्राधिकरण अधिवक्ता से राय प्राप्त की गयी।

अतः समस्त अभिलेखों एवं नगर निगम ऋषिकेश द्वारा निर्गत प्रमाण पत्र तथा विपक्षी द्वारा प्रस्तुत शपथ पत्र को दृष्टिगत रखते हुए उक्त सम्पत्ति जो कि पूर्व में दिनांक 16-05-2024 को सील नयी थी, को पूर्व निर्मित भवन के आधार पर तथा विचलन को शमन कराने हेतु सीलमुक्त किया जाता है।



प्रतिलिपि- 1- उपजिलाधिकारी, ऋषिकेश को सूचनाार्थ प्रेषित।

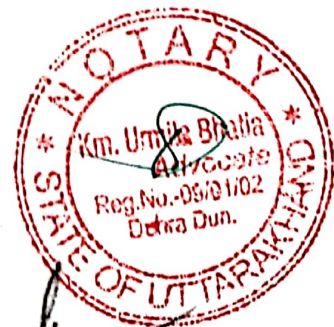
2- सहायक अभियन्ता, नो०दे०वि०प्रा०, शाखा कार्यालय ऋषिकेश को अनुपालन हेतु।

5/ उपप्राध्यक्ष

मसूरी देहरादून विकास प्राधिकरण,
शाखा कार्यालय ऋषिकेश।

उपाध्यक्ष

मसूरी देहरादून विकास प्राधिकरण,
शाखा कार्यालय ऋषिकेश।



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14 NOV 2024

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Office of Mussoorie Dehradun Development Authority, Branch Office 21.
Rishi lok Colony, Rishikesh, District-Dehradun.

Letter No. 2350/C-0001/2022

Date 29/10/20024

Mr. Sunil Kumar Arora / Mr. Rajiv Arora
Hotel Ganga Forest
86 86/1, Gali No.-6, Virbhadr Marg,
Rishikesh, District Dehradun.

Against the demolition order dated 08-07-2024 passed by the Authority, the opposite party Hotel Ganga Forest Beau Smt. Rama Arora filed a writ petition number-1953/2024 in the Hon'ble High Court, which accepted the said writ petition by the Hon'ble High Court, cancelling the demolition order and giving due effect to the undersigned to provide all the documents for examination and hearing to the petitioner and ordering to take a decision in the said case. The petitioner / opposite party was given ample opportunity to explain and a copy of the certificate dated 27-09-2024 issued by Municipal Corporation Rishikesh in respect of the said property i.e. property number-86.86/1 Rishikesh was presented by him, in which it is mentioned that the said property is recorded in the municipal records as built in 1977-1982 and an affidavit was also presented by the opposite party in which if there is any deviation in the said property pre-condemned pre-construction building, then he submitted an affidavit to mitigate the same and opinion was obtained from the authority's advocate.

Therefore, keeping in view all the records and the certificate issued by Municipal Corporation Rishikesh and the seal, the said property which was earlier sealed on 16-05-2024, is de-sealed on the basis of the same and to mitigate the deviation.

Mussoorie Dehradun Development Authority
Branch Office Rishikesh.

Copy sent to Sub-Divisional Magistrate, Rishikesh for information. Assistant Engineer, NDVG Branch Office Rishikesh for compliance. ☆

Vice Chairman Mussoorie
Dehradun Development Authority
Branch Office Rishikesh.



Attested Photo Copy
Km. URMILA BHATIA
Advocate & NOTARY, Dehradun



National Green Tribunal Bar Association

Room No. 28, NGT Complex, Faridkot House, Copernicus Marg, New Delhi - 110001
Tel. : +91-9910811802 E-mail : info@ngtba.org Website : www.ngtba.org

Receipt No. : 466

Date : 06/11/2024

Received with thanks from District Magistrate Dehradun Marammat Exam Purnani
an amount of Rupees Twenty five thousand Only/-

through Cash / Cheque / Bank Draft No. 317614

Dated 28/10/2024 drawn on Union Bank

on account of Cost Imposed on O.A. No. 463/2022, A.H. 07/08/2024

Requested Photo Copy
M. DRMILA B.
Advocates & NOTARY OFFICERS



Vipin Nayyar
V/S
Union of India

Treasurer / Secretary

NGT Bar Association

₹ 25,000/-