2026:UHC:10754

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3505 of 2026

23 November, 2026

Shivam Aggarwal --Petitioner

Versus

Union Of India & others --Respondents

Presence:-

Mr. Vikas Bahuguna, learned counsel for the petitioner (appeared through V.C.)

Mr. Manoj Kumar, learned CGSC for the Union of India/respondent nos.1 & 4.

Mr. Suyash Pant, learned Standing Counsel along with Mr. Devesh Ghilidyal, learned Brief Holder for the State/respondent no.2.

Mr. Rahul Consul, learned counsel for the respondent no.3-MDDA.

Hon'ble Pankaj Purohit, J. (Oral)

Petitioner has challenged the order dated 15.04.2026 (annexure no.8 to the writ petition), whereby the sanction/permission granted to the petitioner for the construction of a commercial building/land situated at Mauza Panditwari, Pargana Pachhwadun, Tehsil and District Dehradun was cancelled by respondent no.3, along with other ancillary reliefs.

2. It is the case of petitioner that he applied for sanction/permission to construct a commercial building on a plot owned by him at Premnagar, Dehradun. Respondent no.3-MDDA, after considering the application submitted by the petitioner, granted permission for construction vide order dated 15.11.2025, valid for a period of five years. However, by way of the impugned order, the sanction/permission granted by respondent no.3 in favour of the petitioner was suddenly canceled. Being aggrieved by the same, petitioner has approached this Court.

3. Learned counsel for the petitioner submits that the impugned order has been passed by respondent no.3 without issuing any show-cause notice or af-

fording an opportunity of hearing to the petitioner. He further submits that such an action is impermissible in law, as the sanction granted in favour of the petitioner confers a valuable right upon him for a period of five years in respect of the aforesaid plot, which cannot be withdrawn in such a manner.

4. Per contra, learned counsel for respondent no.3-MDDA submits that permission was withdrawn pursuant to an objection raised by respondent no. 4, on the ground that petitioner had not submitted any NOC from respondent no.4-IMA. He further submits that, prior to the grant of sanction, petitioner had himself filed an affidavit before the MDDA undertaking to submit all the requisite NOCs to the respondent-MDDA, and it was on the basis of the said undertaking the sanction/permission was granted in favour of the petitioner.

5. Learned counsel for respondent nos.1 and 4 submits that respondent no.4 should also be afforded an opportunity of hearing while deciding the petitioner's application for sanction.

6. Having heard learned counsel for the parties and upon perusal of the material available on record, particularly the sanction/permission order as well as the impugned order, this Court is of the view that the sanction/permission granted in favour of the petitioner ought not to have been cancelled unilaterally by respondent no.3-MDDA, particularly without affording an opportunity of hearing to the petitioner. The sanction granted in favour of the petitioner has conferred a valuable right upon him cancellation of which

entails civil consequences. Therefore, the said sanction could not have been withdrawn or canceled by respondent no.3-MDDA in such a unilateral manner without affording an opportunity of hearing to the petitioner.

7. This fact is admitted to the respondent no. 3-MDDA that, before passing the impugned order, petitioner was not afforded any opportunity of hearing.

8. It is further noticed by this Court that in the sanction/permission order, there is no such condition which makes it a conditional sanction. In view of the aforesaid circumstances, the writ petition deserves to be allowed.

9. Accordingly, the writ petition is allowed. A writ of certiorari is issued quashing the impugned order dated 15.04.2026. Consequently, the order dated 15.04.2026 passed by respondent no.3 is hereby quashed, and the sanction/permission granted in favour of the petitioner stands restored. However, liberty is granted to respondent no.3-MDDA to pass a fresh order after giving an opportunity of hearing to the petitioner as well as all other stakeholders before passing any order adverse to the petitioner *qua* the sanction granted to him.

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

(Pankaj Purohit, J.)
23.11.2026

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