



2024:UHC:8719

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA**

**25<sup>th</sup> NOVEMBER, 2024**

**WRIT PETITION (M/S) NO. 3228 of 2024**

Sri Manoj Kumar Agrawal .....Petitioner

Versus

Cantonment Board, Ranikhet .....Respondent

Counsel for the Petitioner : Mr. Piyush Garg,  
Advocate.

Counsel for the Respondent : Mr. Sanjay Bhatt,  
Advocate.

**Hon'ble Alok Kumar Verma, J.**

Calling the petitioner's building as illegal on the basis of the resolution dated 19.10.2024, the respondent has granted one week's time from the date of receipt of the impugned letter dated 18.11.2024 to remove his construction, otherwise his building will be demolished in the presence of police force.

2. The present Writ Petition has been filed under Article 226 of the Constitution of India with the following prayers: -

"(i) To issue a writ, order or direction in the nature of Mandamus commanding the respondent to not



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to demolish the residential house of the petitioner constructed and situated at survey number 218 Cantonment Board, Ranikhet in furtherance of the notice dated 18.11.2024 (Annexure No. 8) issued by the respondent or on the basis of the alleged resolution dated 19.10.2024 referred therein copy of which has not been supplied to the petitioner.

(ii) To issue a writ, order or direction in the nature of certiorari for quashing the notice dated 18.11.2024 (Annexure No. 8) and the resolution dated 19.10.2024 copy of which has not been supplied to the petitioner after calling for the record of the same from the same.

(iii) To issue any such further and/ or other reliefs as the nature and circumstances of the case may require be also granted in favour of the petitioner.”

**3.** Heard Mr. Piyush Garg, learned counsel for the petitioner and Mr. Sanjay Bhatt, learned counsel for the respondent.

**4.** Mr. Piyush Garg, Advocate, has contended that the impugned order dated 18.11.2024 is bad in law because the petitioner had started his construction in the year 2018, as per the sanction letter dated 21.06.2018, and, no opportunity of being heard has



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been granted to him before passing the resolution dated 19.10.2024.

5. Mr. Sanjay Bhatt, Advocate, on instructions, submits that the respondent has granted the petitioner ten days' time from today to challenge the resolution dated 19.10.2024 before the Appellate Authority under Section 340 of the Cantonments Act, 2006, for which, the respondent will provide a copy of the resolution dated 19.10.2024 to the petitioner within 24 hours from today, and, therefore, the respondent shall not demolish the construction of the petitioner within ten days' from today.

6. Mr. Piyush Garg, Advocate completely agrees with the said instructions.

7. With the consent of learned counsel for both the parties, the present Writ Petition (M/S No. 3228 of 2024) is disposed of accordingly.

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**ALOK KUMAR VERMA, J.**

Date: 25.11.2024