



2026:UHC:2771-DB

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition Misc. Bench No. 272 of 2026**

**17 April, 2026**

Sh Saket Bhambri

--Petitioner

**Versus**

State Of Uttarakhand & others

--Respondents

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Presence:-

Mr. Shiv Bhatt, learned counsel for the petitioner.

Mr. Yogesh Chandra Tiwari, learned Additional C.S.C. for the State/respondent no.1.

Mr. Ashish Joshi, learned counsel for respondent nos.2 & 3.

Mr. Manoj Bhatt, learned counsel for respondent no.4.

Mr. Rahul Consul, learned counsel for respondent no.5.

Mr. Dushyant Mainali, learned counsel for respondent no.6.  
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**Coram :Hon'ble Manoj Kumar Tiwari, J.**

**Hon'ble Pankaj Purohit, J.**

**Hon'ble Manoj Kumar Tiwari, J. (Oral)**

Petitioner is the owner in possession of part of the property known as Mansa Ram Banker's Building, situate at Rajpur Road, Dehradun. In the writ petition, it is mentioned that petitioner owns the basement, ground floor, and mezzanine floor of the said building, with land underneath and appurtenant thereto, along with servant quarters. The said property was reportedly purchased by petitioner's father by a registered sale deed dated 16.05.1991. First and second floor of the building were owned by respondent no.6. Petitioner is aggrieved by the order passed by Municipal Commissioner, Dehradun, under Section 331(1) of Uttarakhand Municipal Corporation Act, 1959 (for short "the Act, 1959"). By said order, petitioner as well as respondent no.6 were given



six weeks' time for demolishing building in-question, which was allegedly posing threat to the public at large. Petitioner has challenged the said order passed by Municipal Commissioner on 18.02.2026 in this writ petition.

2. Tirupati Associates (respondent no.6) filed Writ Petition (M/B) No.883 of 2025, contending that he received notice for demolition of the aforesaid building on 11.07.2025, and in response, he requested Municipal Corporation, Dehradun to demolish the dilapidated part of the building vide letter dated 15.07.2025. The reliefs sought in that writ petition are reproduced below:-

*“(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the Respondent Municipal Corporation and its officers to forthwith discharge their statutory duty by taking immediate steps to demolish the dangerous and dilapidated building bearing Property No. 29/49, situated at Rajpur Road, Mansharam Building, near Dhara Police Chowki, Dehradun.*

*(ii) Direct the respondent Municipal Corporation to provide a status report on the steps taken to secure and demolish the structure bearing Property No. 29/49, situated at Rajpur Road, Mansharam Building, near Dhara Police Chowki, Dehradun.*

*(iii) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to adopt the process of demolition of dilapidated structures of Mansharam Building in question situated at Dhara Police Chowki in line of the spirit of the judgment dated 27.12.2013 passed in WPPIL No. 87 of 2012, Rajendra Singh v. State of Uttarakhand as was adopted for redevelopment of Chakrata Road specially in terms of the observations made by this Court in reference to the building posing threat to the commuters; and also in terms of the observations made vide order dated 17.02.2025 passed in WPPIL No. 05 of 2025, Kalagrah Kalyan and Uthyaan Samiti Native Habitats of Kalagarh v. State of Uttarakhand.”*

3. Writ Petition (M/B) No.883 of 2025 was disposed of vide order dated 09.12.2025, directing Municipal Corporation, Dehradun to take decision on the



reply dated 15.07.2025 submitted by Tirupati Associates. In para 5 of that order, submission of Executive Engineer, Municipal Corporation, Dehradun is noted, where she states that Tirupati Associates as well as owner of the basement and ground floor of the building are ready and willing to demolish the property on their own.

4. Tirupati Associates (respondent no.6) thereafter filed Writ Petition (M/B) No. 1131 of 2025, seeking a direction to Municipal Corporation and its Officers to take immediate steps for demolition of the remaining part of the building in-question in view of the report of Executive Engineer and other relevant material. The said writ petition was disposed of on 03.01.2026, with liberty to Tirupati Associates to make representation and Municipal Commissioner was directed to take decision on the representation, within six weeks. In that order, it was provided that Municipal Commissioner shall examine all reports and shall also provide an opportunity of hearing to Mr. Saket Bhambri, who was impleaded as respondent no. 7 in that writ petition.

5. Mr. Ashish Joshi, learned counsel appearing for Municipal Corporation, Dehradun submits that order dated 18.02.2026, impugned in this writ petition is passed in terms of order of this Court in Writ Petition (M/B) No.1131 of 2025.

6. The impugned order is annexed as annexure-1 to the writ petition. It refers to the notice issued from time to time to owners of the building in-question under relevant provisions of the Act, 1959 including the notice issued on 23.08.2006. The impugned order also refers to a letter dated 27.05.2010 sent by Senior Superintendent



of Police (SSP), Dehradun, to Municipal Commissioner, whereby Municipal Corporation was informed that building in-question is in a dilapidated and precarious condition and bricks from the wall of that building had fallen within campus of Police Outpost Dhara, due to which some vehicles were damaged and in that backdrop, S.S.P., Dehradun, had requested for demolition of the building in-question. The impugned order also refers to notice dated 05.07.2019 and its reply given by petitioner, in which petitioner contended that basement and ground floor of the building in-question were repaired and maintained by him.

7. Municipal Commissioner has relied upon the report submitted by a team of Engineers of Municipal Corporation, for passing the impugned order. Copy of the report is on record as annexure-17 to the writ petition, in which it is mentioned that first and second floor of the building are already removed, however, basement and ground floor are still existing in a dilapidated condition, and the walls of the remaining portion are cracked, however, owner of that portion has attempted to conceal the cracks by applying wall putty and by painting the walls, after demolition of first and second floor of the building. The report is absolutely silent regarding any work done by petitioner for strengthening or reinforcing the building.

8. It is not in dispute that petitioner was given reasonable opportunity of hearing by Municipal Commissioner. Stand taken by petitioner that he has undertaken repair work in the basement and ground floor of the building in-question was considered by Municipal Commissioner; however, Municipal



Commissioner disbelieved that stand in view of report submitted by team of Engineers of Municipal Corporation.

9. Under the Act, 1959, duty is cast upon Municipal Corporation to make periodic inspection of dangerous buildings and to ask the owner of structures which are in ruins or likely to fall, to pull down such ruinous structures in order to prevent any danger emanating there-from. Section 331 (1) of the Act, 1959 is reproduced below:-

**“331. Removal of structures, etc. which are in ruins or likely to fall.-**(1) if it shall at any time appear to the Municipal Commissioner that any structure (including under this expression any building, wall, parapet, pavement, floor, steps, railing, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure) is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, restoring to or passing by such structure or any other structure or place in the neighbourhood thereof, the Municipal Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure, remove or repair, such structure or thing or do one or more of such things and to prevent all cause of danger therefrom.”

10. It is not in dispute that notices were issued to persons owning the building in-question to pull down the ruinous structure. The first notice was issued in 2006. A structure which became ruinous and hazardous in 2006 for want of repairs cannot be declared safe and habitable in 2026. Every structure becomes weak with the passage of time and also due to vagaries of nature. There is nothing on record to show that structure of the building was reinforced in order to give it new lease of life.

11. Learned counsel for the petitioner contended that pursuant to a notice issued under Section 367 of the Act, 1959 in 2019, petitioner undertook repair works in



the building; however, report submitted by Engineers of Municipal Corporation belies the said contention.

12. Learned counsel for the petitioner submits that Engineers of Municipal Corporation, who submitted the report did not enter the building, therefore, the report cannot be relied upon for ordering demolition. Municipal Commissioner and other Officers of Municipal Corporation, including Engineers are statutory authorities. There is a presumption regarding correctness of the action taken by statutory authorities. Unless it is proved that Engineers of Municipal Corporation, Dehradun, were acting in bad faith or for extraneous consideration, their report cannot be simply brushed aside and due credence has to be given to the report submitted by statutory authorities.

13. Learned counsel for the parties are unanimous on the point that building in-question is more than 100 years old. A building which remained in state of disrepair for considerably long period of time and thus became ruinous, cannot be turned into a safe and habitable building merely by window dressing or by applying wall putty, which is meant to smoothen the walls. Similarly, applying paint on the surface by itself does not provide strength to the structure of the building, unless there is reinforcement provided to the building from within.

14. There is no material to show that walls and structure of building were strengthened/reinforced by petitioner. Municipal Commissioner while exercising statutory power under Section 331(1) of the Act, 1959, directed for pulling down the ruinous building. Section 331(1) of the Act, 1959 not only creates a right but also casts duty upon Municipal Commissioner to protect



public from ruinous/dangerous buildings which are likely to fall down.

15. Municipal Commissioner has arrived at the conclusion that building in-question has become ruinous and can fall down any time, and this conclusion is based on some material on record. This Court is not inclined to sit in judgment over the opinion formed by Municipal Commissioner, based on the report submitted by Engineers who are domain experts. Although, petitioner relies upon a report obtained from some private Engineer/ valuer, however, report submitted by private Engineer cannot be relied upon for setting aside the order, which is based on the report submitted by engineers of Municipal Corporation.

16. For the aforesaid reasons, this Court do not find any scope for interference with the impugned order. The writ petition, therefore, fails and is dismissed.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)  
17.04.2026

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