



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI
AND
HON'BLE MR. JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (PIL) NO. 178 OF 2024

12TH NOVEMBER, 2024

Mohd. Asalam Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Alok Kumar, learned counsel holding brief of Mr. Manish Lohani

Counsel for the respondents : Mr. B.S. Parihar, learned Standing Counsel with Ms. Puja Banga, learned Brief Holder for the State / respondent Nos. 1 to 4

: Mr. B.D. Pande, learned counsel for respondent No. 5

: Mr. Sanjay Bhatt, learned counsel for respondent No. 6

The Court made the following:

JUDGMENT: (per Hon'ble The Acting Chief Justice Mr. Manoj Kumar Tiwari)

According to the petitioner, he is resident of
Village Puchadi, Tehsil Ramnagar, District Nainital.



However, in the array of parties, he has mentioned that he is resident of Ward No. 11, Ramnagar, District Nainital, which indicates that he is residing within municipal limits of Ramnagar.

2) By means of this writ petition, petitioner has sought the following reliefs :

“(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to take a fresh decision upon the representations / objections raised by the residents, whereby seeking inclusion of Adarsh Nagar, Shakti Nagar, Corbett Nagar, Shankarpur Khajanchi and Pyarelal Colony, the urbanized areas of the vicinity of Village Shankarpur Bhul, Tehsil Ramnagar, District Nainital strictly within the parameters and factors as stipulated under Article 243Q(2) of the Constitution of India..

(ii) Issue a writ, order or direction in nature of mandamus commanding and directing the respondents to issue a fresh notification after considering the parameters as enshrined under Article 243Q(2) of the Constitution of India, in letter and spirit, to include the urbanized portions of the vicinity of Village Shankarpur Bhul, Tehsil Ramnagar, District Nainital.”

3) In sum and substance, grievance raised by the petitioner is that Village Puchadi, of which he is a resident,



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has not been included in the municipal limits of Ramnagar, while areas which are farther off from the municipal limits have been so included. Thus, petitioner has sought a direction to the respondents to take decision on the representation made by the residents of the area regarding inclusion of Adarsh Nagar, Shakti Nagar, Corbett Nagar, Shankarpur Kajanchi and Pyarelal Colony.

4) State Counsel was asked to get instructions in the matter. Today, on instructions, he submits that petitioner is not residing at the address as given in the writ petition; the representation which petitioner submitted on 19.08.2024 was considered and rejected by the committee headed by the Chief Development Officer, Nainital on 28.08.2024, by holding that residents of the area, who have made representation, are unauthorizedly occupying government land, therefore, inclusion of those areas within municipal limits was not found desirable.

5) Copy of the decision so taken by the committee is supplied to counsel for the petitioner in Court by State Counsel.

6) Since the committee appointed to consider objections has taken a decision on the representation



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submitted by the petitioner, and has held that the areas mentioned by the petitioner in his representation cannot be included in the municipal limits for reasons indicated in the order, therefore, there cannot be any direction, as sought by the petitioner. Since petitioner has not challenged the decision taken by the committee headed by the Chief Development Officer, Nainital, therefore, no relief can be granted to him in this writ petition.

7) In such view of the matter, the writ petition fails and is dismissed accordingly. No orders as to cost.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 12TH NOVEMBER, 2024
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