



2025:UHC:6384-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND
HON'BLE SRI JUSTICE ALOK MAHRA

16TH JULY, 2025

WRIT PETITION (PIL) No. 127 OF 2025

Dr. Baij Nath

.....Petitioner

Versus

The State of Uttarakhand and others.

...Respondents

Counsel for the petitioner. : Mr. P.R. Mullick, learned counsel.

Counsel for the State. : Mr. B.S. Parihar, learned Additional
Chief Standing Counsel and Mr.
Gajendra Tripathi, learned Standing
Counsel.

JUDGMENT : (per Sri G. Narendar, C.J.)

Heard the learned counsel for the petitioner.

2. The petitioner has prayed for the following reliefs:

“(a) issue a writ, order, or direction in the nature of mandamus or any other appropriate writ, declaring that the Notification No. UA 1303 / Ra.E.Ni.Aa.Anu.- 2 / 4324 / 2025 dated 28.06.2025 (Annexure No. 1 (Colly.)), issued by Respondent No. 2 (State Election Commission, Uttarakhand), whereby Panchayat elections were scheduled in 12 districts while arbitrarily excluding District Haridwar alone on account of the Kanwar Yatra, as unconstitutional, violative of Articles 14, 21, 243-K, and 326 of the Constitution of India, 1950 and hence liable to be struck down or suitably modified.

(b) direct the Respondents to postpone or defer the Panchayat elections in the affected districts of Uttarakhand, as per the schedule notified in (Annexure No. 1 (Colly.)), and to reschedule the same after the conclusion of the Kanwar Yatra (i.e., post 03.08.2025), in a manner that ensures free,



fair, and meaningful participation of all eligible voters;

(c) to issue any other writ, order or direction or grant any other consequential relief, as deemed expedient in law and for the welfare of larger Public Interest.”

3. In essence, the petitioner seeks postponement of the elections that are under way to a date after completion of the *Kanwar Yatra*, and also they have questioned non-conduct of elections to District Haridwar.

4. The second issue with regard to non-conduct of elections need not detain this Court as the Panchayat elections for district of Haridwar were conducted late and the term of the elected Members is yet to be completed.

5. In that view, the first prayer deserves to be rejected and is, accordingly rejected.

6. In so far as the second prayer, as the petitioner has expressed a serious apprehension of law and order issue in view of the *Kanwar Yatra* that has commenced, this Court had requested the presence of the DGP and the Secretary, Panchayat Raj.

7. The DGP, Crime and Law and Order, Uttarakhand and the Secretary, Panchayati Raj were heard yesterday and on a query, the DGP submitted certain data regarding



deployment of police force, and has also issued instructions to the Standing Counsel, which read as under:-

- “With reference to the above mentioned PIL, it is submitted that presently about 22% of the total police force has been deployed in the ongoing Kanwar Mela in Haridwar district, 5% in Neelkanth Police Station (Laxman Jhula), and 3% in Kanwar Mela GRP Haridwar—making a total deployment of 30% of the police force. Additionally, 10% of the police force is deployed for Char Dham and disaster relief duties, and another 10% for static guards and other important security duties. Thus, 50% of the state’s available police force is presently deployed in these duties and the remaining 50% is available with the districts.
- For the first phase of the three-tier Panchayat elections in the state, a total of 4,679 polling stations have been set up, including those marked as sensitive and highly sensitive. Based on a thorough assessment and in accordance with previous election practices, a template has been established for police deployment. Approximately 11,000 police personnel will be deployed, supplemented by 3,100 Home Guards and 2,300 PRD Personnel. Thus, sufficient police force will be available for election duties in the State.
- A detailed force deployment plan for the first phase of voting has been prepared. The deployment of police force in Kanwar Mela, Char Dham, and disaster relief duties will not affect the police deployment for election duties. Additionally, in the Neelkanth and Rishikesh areas, the second phase of the three-tier Panchayat elections is scheduled for July 28, 2025. Since the Kanwar Mela concludes on 23rd July, it will not impact the first phase of elections in that region.
- For disaster management, the SDRF (State Disaster Response Force) has been deployed at 48 locations with 60 sub-teams comprising approximately 350 police personnel. In addition, 11 NDRF teams have also been deployed in the state. These teams will remain stationed at their respective posts for continuous disaster relief duty.
- Thus, a comprehensive security plan for the three-tier Panchayat elections has been prepared by the police. Other ongoing duties will not impact the deployment for the elections. After the conclusion of Mela duties on July 23, 2025, the entire police force will return to their respective districts, ensuring adequate deployment for the second phase of elections and counting duties.”



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9. The Secretary, Panchayati Raj has also issued written instructions to the Standing Counsel, which read as under:-

“1. Standing Council, High Court of Uttarakhand Nainital vide Letter dated 03/07/2025 (Annexure-1) requested to supply instructions in PIL 127/2025 Dr.Baij Nath Vs. The State of Uttarakhand & others. The contentions of the petitioner in the present petition are that -1. The Notification NO. 1303 dated 28/06/2025 issued by State Election Commission, Uttarakhand, whereby panchayat elections has been scheduled in 12 districts while arbitrary excluding district Haridwar alone on account of the Kanwar Yatra as unconstitutional, violative of Articles 14, 21, 243k and 326 of the Constitution of India, 1950 and hence liable to be struck down or suitably modified. 2. Direct the respondents to postpone or defer the Panchayat election in the affected districts of Uttarakhand, as per the schedule notified in and to reschedule the same after the conclusion of the Kanwar Yatra, in a manner that ensures free, fair and meaningful participation of all eligible voters.

2- Secretary, Panchayati Raj, Govt. of Uttarakhand vide Letter No. 125 dated 04/07/2025 (Annexure-2) apprised that three-tier panchayat election 2025 in district Haridwar has not been excluded on account of Kanwar YUatra, rather panchayat general election in district Hariwar had been conducted in Sept. 2022. Panchayat general elections are being conducted in the State at an interval of every 5 years as per provisions mentioned in the Uttarakhand Panchayati Raj Act, 2016. As such, the tenure of panchayat in district Haridwar will come to end in Sept. 2027, accordingly panchayat general election will be conducted in the district Haridwar in the year 2027.

3- In view of the heavy rainfall and concurrence of natural calamities in different places of State and due to three-tier Panchayat general election-2025 being held during the monsoon period, Uttarakhand



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State Election Commission vide Letter No. 1124, dated 20/06/2025 (Annexure-3) requested to Secretary, Disaster and Management Department, Government of Uttarakhand, Secretary Panchayati Raj Department, Government of Uttarakhand and Secretary, Medical and Health Department, Government of Uttarakhand to provide additional resources to all District Magistrates (excluding district Haridwar) for the purpose of preparation of disaster management plan in the context of panchayat general election such as disaster mitigation, search and rescue, water proofing, security of election materials or personnel involved in election, medical arrangements etc. In addition above, State Election Commission requested to ensure safe, uninterrupted and convenient road movement, arrangement for a helicopter in each Division from Disaster Relief Fund and ensuring adequate medical facilities at the development block level in order to meet any exigency.

4- Further, Uttarakhand State Election Commission vide Letter No. 1310, dated 28/06/2025 (Annexure-4), requested the Chief Secretary, Government of Uttarakhand to issue necessary instructions in this regard to the concerned departments.

5- Secretary, Panchayati Raj, Govt. of Uttarakhand vide Letter No. 310231 dated 01/07/2025 (Annexure-5) requested Secretary, Disaster Management Department, Government of Uttarakhand and Secretary, Medical Health and Family Welfare Department, Government of Uttarakhand to take further action in relation to the request made by Hon'ble Uttarakhand State Election Commission in the matter.

6- Secretary, Disaster and Management Department, Govt. of Uttarakhand vided Letter No. 711, dated 07/07/2025 (Annexure-6) informed that in order to deal with any natural calamity in view of the monsoon in the State necessary instructions have been issued to all District Magistrates and mock drills have been conducted with the line departments. Further, all the District Magistrates have been directed to use the fund as per the requirement in the approved items from the State



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Disaster Relief Fund. Sufficient funds have also been allocated for this purpose. State Emergency Operation Centre under Uttarakhand State Disaster Management Authority (U.S.D.M.A.) and District Emergency Operation Centre under District Disaster Management Authority (D.D.M.A.) in all Districts have been operationalised and are functioning on 24x7 basis and are put on alert.

7- Chief Engineer, P.W.D. Dehradun vide Letter No. 895, dated 14/07/2025 (Annexure-7) informed that necessary arrangements for J.C.B. / Poclane machines have been made to ensure uninterrupted road movement and polling party movement during the panchayat general election in the State.

8- Again, Uttarakhand State Election Commission vide Letter No. 1550, dated 06/07/2025 (Annexure-8), requested District Magistrate / District Election Officer (Panchayat), Haridwar, Dehradun and Pauri Garhwal to furnish report in view of plea made by petitioner in the Public Interest Litigation No. 127/2025 Dr. Baijnath vs. State and others to postpone or reschedule the election program on account of Kanwar Yatra vide revised Notification No.-1303, dated 28/06/2025 issued by State Election Commission.

9- In this regard, Chief Development Officer / Deputy District Election Officer (Panchayat), Dehradun vide Letter number 618, dated 10/07/2025 (Annexure-9) annexed the report furnished by S.D.M., Rishikesh vide Letter no. 173 dated 07/07/2025 for necessary action. S.D.M., Rishikesh informed that Rishikesh is a main route of Kanwar Yatra and the Kanwar Yatra is commencing from 11th July, 2025 and ending on 23rd July, 2025, which is occurring prior to polling date i.e. on 28/07/2025 and date of counting and declaration of result i.e. on 31/07/2025 under tehsil Rishikesh. S.D.M., Rishikesh vide his letter dated 07/07/2025 informed that there is no possibility of any obstruction or inconvenience in the Panchayat election process due to Kanwar Yatra, nor is there any problem of law and order or any contradictory situation in view of Panchayat elections and Kanwar Yatra going parallel.

Similarly, District Magistrate / District Election Officer, Pauri Garhwal has informed vide his Letter



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number-392, dated 07/07/2025 (Annexure-10) that Neelkanth Kanwar Mela-2025 will start from 10/07/2025 and will continue till 23/07/2025. During this period, lakhs of devotees / Kanwaris are expected to come to visit 'Neelkanth Mahadev' temple located in Tehsil Yamkeshwar area of District Pauri Garhwal. As per the Notification No.1303, dated 28/06/2025 issued by Uttarakhand Election Commission polling date is fixed on 28/07/2025 in development block Yamkeshwar and development block Dugadda situated under Tehsil Kotdwar. Accordingly it does not seem that any Panchayat constituency of Pauri district will be affected due to Neelkanth / Kanwar Yatra. Further, District Magistrate / District Election Officer, Pauri Garhwal informed that all necessary steps have being taken to ensure that Panchayat Elections-2025 are conducted peacefully and successfully.

10- It is pertinent to mention that during monsoon season i.e. in the month of July,2025 the foot fall of pilgrims visiting Char Dham have been dropped around 10 percent as against their fall during Yatra Season. Details of the pilgrims visiting Char Dham is annexed (Annexure No.11).

11- In addition to above, the office of D.G.P. Dehradun have supplied necessary instructions (Annexure-12) regarding safety measures undertaken by Police Department for conducting fair and smooth panchayat election in the State."

10. On perusal of the same, it is seen that the State has taken sufficient measures to ensure safe conduct of the elections.

11. The details / facts and figures placed before the Court by the Secretary, Panchayat Raj and the DGP inspire confidence in the Court that the State Machinery is geared up



to meet contingencies and ensure smooth and safe conduct of elections.

12. In that view, the apprehension of the petitioner having been assuaged and reasonably answered by the particulars placed before the Court, the writ petition stands disposed of, as it does not warrant any further direction.

14. There shall be no order as to costs.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 16th July, 2025
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