



2025:UHC:11583-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (PIL) No.140 of 2025

24 December, 2025

Mange Ram Saini

---Petitioner

Versus

State of Uttarakhand and Others

--Respondents

Presence:-

Mr. Susheel Kumar, learned counsel holding brief of Mr. Gaurav Singh, learned counsel for the petitioner.

Mr. B.S. Parihar, learned Addl. C.S.C. along with Mr. S.S. Chaudhary, learned Standing Counsel for the State of Uttarakhand.

Hon'ble Manoj Kumar Tiwari, J.

Hon'ble Subhash Upadhyay, J.

(Per: Hon'ble Manoj Kumar Tiwari, J.)

JUDGMENT

Petitioner is resident of Village Shantarshah, Pargana & Tehsil Roorkee, District Haridwar. According to him, respondent nos.5 to 8 have undertaken digging activities on a public pathway situated in Khasra No.331 and 332.

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

"i) Issue a writ, order or direction in the nature of mandamus directing the Respondents No.1 to 4 to immediately stop the illegal digging/mining activities being carried out by private Respondents on the public pathway situated in Khasra No.331, admeasuring 1770 hectare & Khasra no.332, admeasuring 0.0210 hectare, Village Shantarshah, Pargana & Tehsil Roorkee, District Haridwar and take appropriate action in accordance with law;

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent authorities to restore the said public pathway to its original condition and



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ensure that no such encroachment or misuse occurs in the future;

iii) Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioners."

3. Learned State Counsel, on instructions, however, submits that public drain is being constructed over Khasra No.332 and whatever digging work was undertaken, it was for construction of drain. He submits that the allegation of illegal mining by respondent nos.5 to 8 is incorrect and unfounded.

4. Learned State Counsel further points out that the land in question over which the digging work is being undertaken, is recorded as drain in the revenue records.

5. Written instructions produced by the State Counsel in the Court are taken on record. The Registry shall paginate the written instructions.

6. Having regard to the statement made by learned State Counsel, we do not find any reason to interfere in the matter. The public authorities are justified in constructing a public drain as in the absence of drain, during rainy season great difficulty is reportedly faced by the villagers.

7. The writ petition thus fails and is, accordingly, dismissed.

(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, J.)

24.12.2025

SS