



2025:UHC:8451-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (PIL) No. 119 of 2022

15th September, 2025

Lalit Chandra Arya

-----Petitioner

Versus

State of Uttarakhand and another

-----Respondents

Presence:-

Dr. Kartikey Hari Gupta and Ms. Irum Zaba, learned Counsels for the petitioner.

Mr. J.C.Pande, learned Standing Counsel for the State.

Mr. Manoj Kumar learned Sanding Counsel for the Union of India.

Mr. Vikas Bahuguna, learned counsel for the respondent nos. 11,12 and 13.

JUDGMENT: (per Mr. SUBHASH UPADHYAY, J.)

The Writ Petition (PIL) has been filed by the elected Village Pradhan of the Village Pangot, Revenue Village Budhlakot, District Nainital, praying for the following reliefs:

- i. Issue a Writ, Order, or Direction in the nature of Mandamus directing the respondent no. 1 to 10 to restrain the private respondent no. 11 to 13 from converting 'village Pedestrian Path' (Gramin Paidal Marg) into a motor/mettled road in the forest area of Village Pangot.*



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- ii. *Issue a Writ, Order or Direction in the nature of mandamus directing the respondent no. 1 to 10 not to grant permission to private respondents to use heavy machinery J.C.B. machine in forest areas in and around Naina Devi Bird Conservation Reserve, Pangot.*
- iii. *Issue a Writ, Order or Direction in the nature of mandamus directing the respondent no.1 to 10 to complete the due investigation as per law on the Form H2 Forest Complaints/F.I.I. dated 17.08.2021 and 23.08.2021 (Annexure No. 6) in a time bound manner and prosecute the same.*
- iv. *Issue a Writ, Order or Direction in the nature of Certiorari calling for records and quash the sanction dated 14.08.2025 (Annexure No. 4) given by the State of Uttarakhand in favour of Village Development Department, Nainital for construction of 'Village Pedestrian Path'.*
- v. *Issue a Writ, Order or Direction in the nature of mandamus directing the respondent no.1 to 10 to identify the adverse effect of huge building of private respondents on the Path/Corridor of migratory birds and ecology of Naina Devi Bird Conservation Reserve, Pangot and take effective measures for the protection of the same.*
- vi. *Issue a Writ, Order or Direction in the nature of Mandamus directing the respondent nos.1 to 10 to conduct an enquiry for illegally replacing the digital map (Page No. 14 of Annexure No. 3) with original handmade alignment initially approved by the Forest Department and prosecute the same.*



2. The petitioner has contended that for the welfare of villagers a proposal for construction of Village Pedestrian Path (Gramin Paidal Marg) was submitted by the Village Panchayat in the year 2013 and after due consideration, the State Government on 14.08.2015 sanctioned the aforesaid proposal with certain conditions; that taking undue benefit of the sanction of the aforesaid Village Pedestrian Path (Gramin Paidal Marg), the private respondent nos. 11 to 13 started the construction of a motor road by cutting forest trees and by using JCB and other heavy machinery in the forest area.

3. Counter affidavit has been filed by the respondent no.2, the Divisional Forest Officer, Nainital. In para 16 of the said counter affidavit, it has been stated that after completion of inquiry a Criminal Complaint has been filed against the respondent nos. 11 to 13. Para 16 of the said counter affidavit filed by the Divisional Forest Officer, Nainital reads as under:

“That in reply of contents of paragraph no. 14 of writ petition it is necessary to mention there that the Govt. of Uttarakhand vide Govt. Order dated 14.08.2015 granted the Principle approval for diversion of 0.0222 Hect., Forest Land to Village Development Department. The



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main approval of the said land was granted vide Government order dated 01.09.2017. The user agency was Gramya Vikash Vibhag (Rural Development Department) for the instant proposal and the proposal was communicated to the Divisional Forest Officer, Nainital Forest Division, Nainital by Chief Development Officer, Nainital through letter dated 31.10.2013. As per the terms and conditions of diversion granted by Government the user agency is bound to follow all Rules & Regulations mentioned in the permission. It is necessary to mention here that the answering respondent took action against the illegal activities caused by private respondent. It is necessary to mention here that the Forest Department has already completed the enquiry in Range Case No. 05/Naina/2021-22, dated 17.08.2021 and Range Case No. 06/Naina/2021-22, dated 23.08.2021. The Sub Divisional Forest Officer, Nainital Forest Division, Nainital has filed Criminal Complaint No. 66 of 2024 against Satish Chandra S/o K.C.Chand, R/Pangot, Post Pangot, District Nainital under Section 26(1)(d), 26 (1) (f) of Indian Forest Act, 1927 with Section 32/51 of Wildlife (Protection) Act, 1972 in the Court of Chief Judicial Magistrate, Nainital, District Nainital in Range Case No. 06/Naina/2021-22 dated 23.08.2021. It is also necessary to mention here that the Sub-Divisional Forest Officer, Nainital, Forest Division, Nainital has filed Criminal Complaint No. 694 of 2024, against Upendra Jindal & others (Respondent no.11 to 13 of instant Writ Petition (PIL), under Sections 26 (1) (a), 26 (1)(d), 26 (1) (e), 26 (1) (f) and 26 (1) (h) of the Indian Forest Act, 1927 with Section 32/51 of the Wildlife (Protection) Act, 1972 in the Court of Chief Judicial Magistrate, Nainital, District Nainital in Range Case No. 05/Naina/2021-22 dated 17.08.2021. Both the cases are under Trial before the Trial Court.”



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4. Learned counsel for the petitioner does not dispute the said facts and counsel for the parties submit that the present Writ Petition (PIL) can be disposed of in view of the submissions made by the respondent-State in their counter affidavit. As the respondents have initiated action against the respondent nos. 11 to 13 and the criminal cases are pending before the competent court and the trial is to be completed, as such, no useful purpose would be served in keeping the Writ Petition (PIL) pending, as such, the Writ Petition (PIL) is closed taking on record the submissions made by the parties.

Pending application(s), if any, also stands disposed of.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 15.09.2025
Kaushal