



2025:UHC:11580-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (CRL.) No.1706 of 2025

24 December, 2025

Aditya Vardhan Thapa and Another ---Petitioners

Versus

State of Uttarakhand and Others --Respondents

Presence:-

Ms. Manju Chauhan, learned counsel holding brief of Ms. Prabha Naithani, learned counsel for the petitioner.

Mr. J.S. Virk, learned Deputy Advocate General along with Mr. Rakesh Joshi, learned Brief Holder for the State of Uttarakhand.

Hon'ble Manoj Kumar Tiwari, J.

Hon'ble Subhash Upadhyay, J.

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

JUDGMENT

Writ petitioners are running an Educational Institution in the name and style "St. George Academy", Garhi Cantt., Dehradun. According to them, respondent nos.5, 6 and 7, who are cousins of petitioner no.1, are interfering in the work of renovation of school building. In paragraph no.7 of the writ petition, it is mentioned that respondent nos.5 to 7 reside within the school premises.

2. By means of this petition, petitioners have sought the following reliefs:

"1. Issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to provide immediate, continuous and adequate police protection at the premises of St. George's Academy School so as to ensure the safety and security of the petitioners, students, teaching and non-teaching staff, management and visitors, and to maintain peace, discipline and public order within the educational campus.



2025:UHC:11580-DB

2. Issue a writ, order or direction commanding the respondent authorities to prevent any obstruction, disturbance, intimidation, coercion, threat or unlawful interference by Respondent Nos. 5 to 7, or by any person acting on their behalf, in the day-to-day functioning of the school, including academic activities, classroom teaching, examinations, morning assemblies, playground activities, sports and physical education, cultural and co-curricular programmes, staff duties and administrative operations.

3. Issue a writ, order or direction commanding the respondent authorities to ensure and facilitate that all lawful reconstruction, development, renovation and maintenance works undertaken by the Petitioners-including boundary wall reconstruction, compliance with PWD directions, whitewashing, painting, structural repairs, playground maintenance and levelling, safety measures, and installation, repair or upkeep of school infrastructure-are carried out peacefully, safely and without interruption, and without any interference, intimidation or unlawful act on the part of Respondent Nos. 5 to 7 or any person acting at their behest.

4. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case

5. Award cost of the petition."

3. Learned State Counsel is right in submitting that the reliefs sought by petitioners in this writ petition can only be granted by a Civil Court as the petitioners have sought an order in the nature of injunction. Law is well settled that property rights or civil dispute cannot be settled in a public law remedy under Article 226 of the Constitution of India. We, therefore, decline to interfere in the matter.

4. The writ petition is, accordingly, disposed of with liberty to the petitioners to approach a competent civil court.

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

24.12.2025

SS