



**HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY**

18TH MARCH, 2026

Versus

State of Uttarakhand and others Respondents

Counsel for the petitioner	:	Mr. Siddhartha Singh, learned counsel
Counsel for the respondents	:	Mr. J.C. Pande, learned Standing Counsel for the State
	:	Mr. Sandeep Kothari, learned counsel for respondent No. 4-HRDA

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) The present PIL has been filed by the petitioner claiming himself to be a public spirited citizen. He has prayed for a mandamus restraining the respondents from encroaching over any part of the temple premises for carving out road to the proposed parking stand in the



Tehsil premises, Roorkee. The petitioner is having a sweetmeat shop near the Tehsil premises. It is alleged that the respondents are proposing to construct a car parking and in the process they intend to demolish the temple for providing approach road to the parking stand.

2) It appears that the temple itself through its Secretary approached this Court by way of a writ petition, being WPMS No. 679 of 2023, wherein the temple also sought a writ of mandamus for restraining the respondent authorities from demolishing any part of the temple and also from constructing parking in Shiv Mandir premises. The learned Single Judge has disposed of the said writ petition by order dated 16.03.2023, noticing the stand of the Development Authority that the construction of the proposed parking would not disturb or result in demolition of any part of the temple building. It has also been noted that the proposed construction would only affect some part of verandah on the northern side of the temple as it would come in the way of the parking stand which is proposed to be constructed. The learned Single Judge has taken note of the fact that in recent years there has been exponential growth in the number of vehicles in the city and construction of the modern automated parking stand is need of the hour. The learned Single Judge after



noticing the stand taken by the Development Authority that it would not demolish the main temple building has disposed of the writ petition. The relevant extract of the order is as follows :

“On the request of learned counsel for Haridwar Roorkee Development Authority (in short “Development Authority”), he was granted time to get instructions. Today, Mr. Shobhit Joshi, learned counsel appearing for Development Authority has produced in Court written instructions dated 15.03.2023 issued by Joint Secretary of the Development Authority.

Perusal of the written instructions reveals that main building of Shiv Temple will not be disturbed due to construction of parking and only a Varanda on the northern side of the temple would have to be removed for making way for construction of approach road. From the written instructions issued by Joint Secretary, Development Authority, it is apparent that the apprehension expressed by petitioner, that the temple building would be demolished for construction of public parking in Tehsil Campus Roorkee, is unfounded.

During the last two decades, there has been exponential growth in the number of vehicles, especially four wheelers in every town/city; however, due to rapid urbanisation, open space, which was used for parking vehicle, has shrunk. Consequently, roads/highways are being used for parking vehicles which has led to further congestion on the already congested roads. Construction of



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Modern Automated Parking in every town/city is need of the hour, which will help in decongesting the road.

Haridwar Roorkee Development Authority has taken lead in the right direction and this Court will not come in the way of a project which will help in easing the problem of parking in Haridwar town.

Even otherwise also, as per written instructions, issued by the Competent Authority i.e. Haridwar Roorkee Development Authority, the main temple building will not be disturbed due to construction of parking.

Thus, there is no scope for interference in the matter. Writ petition is, accordingly, disposed of by taking the written instructions, issued by Joint Secretary, Haridwar-Roorkee Development Authority, on record.”

3) The matter was taken up by Co-ordinate Bench on 18.03.2025 and, on the said date, the following order was passed :

“Mr. Siddharth Singh and Mr. D.S. Negi, learned counsel for the petitioner.

2. Mr. Sunil Khera, learned Deputy Advocate General for the State of Uttarakhand / respondent Nos. 1 to 3.

3. Mr. Sandeep Kothari, learned counsel for respondent No. 4.



4. *Learned Deputy Advocate General submits that the Secretary of the Temple had already approached the learned Single Judge, and written instructions had been placed before the learned Single Judge, wherein it has been stated that the main temple would not be disturbed and only a portion of the verandah on the northern side of the temple would be removed.*

5. *Learned Deputy Advocate General would further submit that the construction of the multi-level car parking lot will not, in any way, hamper the ingress and egress of the devotees to the temple.*

6. *In that view of the matter, we direct respondent Nos. 3 & 4 to submit a plan to this Court, wherein the provision is made for the temple and the ingress and egress of the devotees to the temple is not blocked. In the event, such a plan is submitted in the Court, it would put an end to all speculations and also ease the agitated minds of the devotees."*

7. *Learned Deputy Advocate General would submit that a week's time be granted to them to file the said document in the Court.*

8. *List on 25.03.2025."*

4) In compliance of the said order an affidavit has been filed by Secretary, HRDA, in which it has been reiterated that the main temple building would not be disturbed and only portion of verandah on the northern side would be removed for construction of the parking lot. It is also stated that residence of the *Pujari* and a lawyer's chamber would be affected.



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5) We have examined the map submitted by HRDA along with its affidavit and we find that the main temple premises is not getting affected and there is also ample space for ingress and egress for the devotees to the temple premises. As such, the apprehension expressed by the petitioner that the proposed construction would adversely affect the sentiments and rights of the devotees is not found to be correct.

6) Moreover, as noted above, the temple itself had approached this Court by way of separate petition and the same has already been disposed of by this Court.

7) For the said reasons, we find no good ground to proceed further in the instant matter. The petition is, accordingly, consigned to record.

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

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 18TH MARCH, 2026
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