



**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA**

**AND**

**HON'BLE SHRI JUSTICE SUBHASH UPADHYAY**

**19<sup>TH</sup> AUGUST, 2026**

**WRIT PETITION (PIL) No. 49 of 2022**

1: Prabhu Narayan

--Petitioner

**Versus**

1: Union Of India

2: National Mission For Clean Ganga Ministry  
Of Jal Shakti Govt Of India

3: Central National Stadium India Gate New Delhi

4: State Of Uttarakhand

5: Archaeological Survey of India

--Respondents

Counsel for the petitioner. : Mr. Shueb Ali, learned counsel.

Counsel for respondent nos. 1, 2 & 5. : Mr. Manoj Kumar, learned Standing Counsel for the Union of India.

Counsel for respondent no. 3. : Mr. Abhishek Rawat, learned counsel holding brief of Mr. Rajeev Bhatt, learned counsel.

Counsel for respondent no. 4. : Mr. Ganesh Kandpal, learned Deputy Advocate General with Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand.

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

1. The present PIL was instituted for the following

reliefs:-

*"I. Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to constitute a "Scientific Religious Commission" for the protection and preservation of all Shakti Peeths situated in Himalayan region of the State of Uttarakhand.*

*II. Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to take appropriate steps for the protection and preservation of all Shakti Peeths situated in Himalayan region of the State of Uttarakhand."*



2. The aforesaid reliefs were claimed based on the allegation that Dhari Devi Temple was raised over an elevated platform by the respondents to facilitate execution of a project in the name of Srinagar Hydro Electric Project (HEP) operated by one M/s Alaknanda Hydro Power Company Limited.

3. A counter affidavit has been filed in the matter on behalf of Ministry of Environment, Forest & Climate Change, wherein it is stated that the issue raised in the writ petition was examined by the Supreme Court in Special Leave Petition (C) No. 362/2012, and the Supreme Court, in its judgment dated 13.08.2013, has concluded as follows :-

*“The Dhari Devi temple is not included in the protected monuments of Archaeological Survey of India and it is a local temple to be worshipped by nearby villagers only. All the local villagers and the priest of the temple are in agreement with the project authorities to raise the temple on RCC structure above HFL.*

*32. Final Report was submitted by B.K. Chaturvedi Committee on April 2013 (Vol 1) before MoEF, inter alia, reiterating its interim report on Dhari Devi Temple. Das Committee, Chaturvedi and Joint Team constituted on the basis of direction of this Court have, therefore, fully endorsed the views made by INTACH on Dhari Devi Temple. We find no reason to differ from the views expressed by the expert committee, which was submitted hearing all the affected parties, including the Trustees of the Temple, devotees, Pujaris etc. Committee reports to that extent stand accepted.*

*33. We are also not impressed by the argument that by accepting the suggestions of all the expert committees to raise the temple as such to a higher place, would wound the religious feelings of the devotees or violate the rights guaranteed under Article 25 of the Constitution. Sacred rock on which the temple exists is still kept intact and only the height of the temple increased so that the temple would not be submerged in the water. In Orissa Mining Corporation v.*



*MoEF, this Court was examining the rights of Schedule Tribes and the Traditional Forest Dwellers under the Forest Rights Act, 2006 in the light of Articles 25 and 26 of the Constitution. This Court held that those articles guarantee the right to practice and proposals not only in matters of faith or beliefs, but all rituals and observation. We are of the view that none of the rights of the devotees of Dhari Devi Temple has been affected by raising the level of the temple, which remains attached to the Sacred Rock."*

4. Accordingly, it is submitted that the aforesaid decision of the Supreme Court has a binding effect, and consequently the proceedings of the present PIL should be closed.

5. Today, on matter being taken up, Mr. Shueb Ali, learned counsel states that Mr. Ajay Veer Pundir, Advocate, who has been appearing so far as counsel for the petitioner, has now been included in the panel of State Counsel before the Supreme Court and, therefore, he is not in a position to assist the Court in the instant matter on behalf of the petitioner. He further submits that the petitioner has also died in the meantime.

6. In view of the aforesaid facts, and also the stand taken by the Ministry of Environment, Forest & Climate Change in its affidavit, in respect of decision of the Supreme Court on the same aspect, we close the proceedings of the present PIL. In case any issue is left undecided, it shall be open to the



concerned person to raise the issue in independent proceedings.

7. All pending applications stand disposed of accordingly.

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**MANOJ KUMAR GUPTA, C.J.**

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**SUBHASH UPADHYAY, J.**

Dt: 19<sup>th</sup> August, 2026

Rahul

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PRAJAPATI