



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (PIL) No.65 of 2026

20th May, 2026

Narendra Kumar

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Suresh Chandra Bhatt and Mr. Gaurav Bhatt, learned counsel for the petitioner.

Mr. Amarendra Pratap Singh, learned Addl. Advocate General along with Mr. B.S. Parihar, learned Addl. C.S.C. for the State of Uttarakhand/ respondent nos.1 to 5.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present public interest litigation has been filed seeking a writ of mandamus commanding the respondents not to stop the public road/ pathway over Khata – Khatauni No.00165 and Khasra No.11/1 of Block-Khatima, District Udham Singh Nagar.
3. The case of the petitioner is that the aforesaid land is recorded as *Rasta* in the revenue records and a public *Rasta* was in existence which is now being obstructed by the Forest Department.
4. The Divisional Forest Officer, Tarai East Forest Divison, Haldwani has provided written instructions dated 11.05.2026 to the State Counsel wherein without specifying the plot number, it has been stated that the encroachments are being removed in pursuance to the



general directions issued in PIL No.22 of 2022. It is also stated that fencing work has been undertaken by the Forest Department in order to secure and protect the Government land from further encroachment and unauthorized use.

5. It is further stated that an alternative motorable road already exists connecting the habitation area with the Pilibhit Highway. Therefore, public connectivity to the area has not been completely obstructed as alleged in the writ petition.

6. As the instructions were not clear and no plot number was mentioned from which the encroachments were allegedly removed, therefore, we required, by our order dated 12.05.2026, the Standing Counsel to obtain instructions.

7. In compliance of the said order, learned State Counsel has placed on record the instructions received from the Revenue Officers wherein it is admitted that Khasra No.11/1 is recorded as *Rasta* in the revenue records and it is being used as public *Rasta*.

8. It is admitted that the said plot does not belong to Forest Department. It is stated that the Khasra No.11/2 area 0.095 hectare is recorded as Forest Reserve land in the revenue records and the Forest Department has



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carried out fencing over its own land leaving aside the public *Rasta*.

9. As there is clear admission that Khasra No.11/1 is a public *Rasta*, therefore, we dispose of the writ petition by providing that the public *Rasta* over Khasra No.11/1 shall not be obstructed in the garb of carrying out fencing of the forest land.

10. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 20.05.2026
SS

SUKHBA
NT SINGH

Digitally signed by SUKHBANT SINGH
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