



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

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

WRIT PETITION (M/B) NO. 343 OF 2024

18TH JUNE, 2026

OK Hotel Petitioner

Versus

State of Uttarakhand and others Respondents

Counsel for the petitioner : Ms. Renu, learned counsel (through VC) holding brief of Mr. Sanpreet Singh Ajmani, learned counsel

Counsel for the respondents : Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State

: Mr. Ashish Joshi, learned counsel for the Nagar Nigam

The Court made the following:

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

Misc. Application (IA No. 04 of 2026)

1. The broad facts of the case are noted in our order dated 04.06.2026, which is as follows :

“1. Sri S.S. Ajmani, learned counsel for the petitioner (through V.C.).

2. Sri Ganesh Dutt Kandpal, learned Additional Advocate General for the State of Uttarakhand.



3. Sri Ashish Joshi, learned counsel for the Nagar Nigam, Haldwani-Kathgodam.

4. The present writ petition has been filed by the petitioner being aggrieved by notice dated 03.02.2024 issued by Nagar Nigam, Haldwani-Kathgodam (respondent No. 4) based on the recommendations made by a joint committee comprising of City Magistrate, Haldwani; SDM, Haldwani and; Executive Engineer, PWD, Haldwani.

5. On 27.08.2024, a Coordinate Bench passed an order of *status quo* in favour of the petitioner.

6. The petitioner has now filed IA No. 4 of 2026 praying for permission to withdraw the writ petition in the light of the representation made by him to the District Magistrate on 13.05.2026. The main concern, expressed by the petitioner in the said representation, is that if the petitioner withdraws the writ petition and surrenders 12 meters space from the front portion of his building, the respondents may not raise any hurdle in carrying-out necessary restructuring to enable him to run his hotel business.

7. Learned counsel for the Nagar Nigam states that the Nagar Nigam would have no objection in permitting the petitioner to use the remaining part of the building.

8. Learned Additional Advocate General for the State, however, seeks time to clarify the stand of the State Government in this regard.

9. Accordingly, as prayed by him, he is granted a week's time to seek appropriate instructions.

10. List on 11.06.2026."

2) Pursuant to the said order the matter relating to petitioner was considered by a Committee headed by Additional District Magistrate (Administration), Nainital on 04.06.2026 and, in the said meeting it was decided that the



petitioner would be permitted to make internal modifications after the front part, measuring 12 meters, of the building is demolished.

3) As the State Government also does not seem to have any objection in the petitioner undertaking necessary modifications in the remaining part of the building, we find no impediment in allowing the application.

4) Accordingly, the withdrawal application (IA No. 04 of 2026) is allowed subject to the assurance given by the State and the stand taken by the Nagar Nigam duly noted in our previous order.

5) Accordingly, the writ petition stands disposed of as withdrawn.

6) The petitioner will permit demolition of front part of the building, measuring 12 meters, and would not raise any hindrance in the same.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 18TH JUNE, 2026
Negi

**HIMANS
HU NEGI**
Digitally signed by HIMANSHU NEGI
DN: cn=IN, o=HIGH COURT OF
UTTARAKHAND, ou=HIGH COURT OF
UTTARAKHAND,
2.5.4.20=bb3660774012c1e1dae20d13aaf11
6e73351f6a68678323386908a7990d5757,
postalCode=263001, st=UTTARAKHAND,
serialNumber=758D9D0F87F4A80990FC51A
722A68C552D470E84FD788D0F7C18D82A
15244AD, cn=HIMANSHU NEGI
Date: 2026.06.19 16:01:42 +05'30'