



2026:UHC:928-DB

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.171 of 2025

13 February, 2026

Suo Motu PIL: In *Re* forceful and illegal eviction of domiciled villagers of Lakhanmandi

--Petitioner

Versus

Principal Secretary Forest and Environment and Others

--Respondents

Presence:-

Mr. Bhuwan Chandra Pokhariya, learned counsel for the petitioner.
Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State of Uttarakhand.

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

1. On a letter petition signed by 126 persons addressed to the Chief Justice, the present *Suo Motu* PIL was registered.

2. The main substance in the complaint was that one Harish Pokhariya and 800 families are living in village Lakhanmandi, Dubelbaira, Chorgalia, District Nainital for the last several years. They are stated to be hutment dwellers. It is alleged that on 07.08.2025, the authorities came with force and bulldozer and tried to demolish the huts of the villagers and evict them. When the villagers requested for 45 days' time till 30.09.2025, SDO Haldwani granted only 15 days time. He also registered false FIR against them.



3. Considering the allegations made in the complaint, by order dated 11.12.2025, notice was issued to Bhuwan Chandra Pokhariya, who had filed the complaint.

4. Today, when the matter is taken up, Bhuwan Chandra Pokhariya is present in person, and has addressed the Court. He submitted that the respondents in a high handed manner armed with force and bulldozers tried to evict Harish Pokhariya and other villagers without any authority of law. He submitted that action of the respondents has resulted in gross violation of the fundamental rights of the villagers. He has placed reliance on order dated 18.08.2025 passed by a Co-ordinate Bench in WPPIL No.155 of 2025 wherein right of forest dwellers is being examined and in context of which the following observations came to be made:

“5. This Court had already in a related matter initiated by one of the private person seeking protection of his landholding in the forest and his right to continue agriculture in those lands, had summoned the P.C.C.F. (HoFF) and had orally called upon the P.C.C.F. to formulate an action plan, in consultation with the Uttarakhand State Legal Services Authority, and submit the same to the Court.

6. No action plan is forthcoming. Probably, as the same was not recorded, the P.C.C.F. has probably given a go-by to the matter. In view of the instant PIL, the issue requires to be addressed with all earnestness it requires.

7. It is submitted by learned counsel for the petitioner that the rights conferred upon forest dwellers, tribals and others under the Act of 2006, have not been publicized sufficiently by the State and that, most of the forest dwellers are either ignorant or not alive to the fact of the statutory rights conferred upon them and there has been hardly any movement to enlighten



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the forest dwellers about the requirements under the Act.

8. In that view, we direct the P.C.C.F. (HoFF) to place before the Court, the list of a persons dwelling on the forest land including tribals, VanGujars, who are residing in the forest and carrying on cultivation, grazing of cattle and etc. in areas notified as forest land. The information may be secured from the concerned Range Officer.

9. List this case on 15.09.2025.

10. It is made clear that the P.C.C.F. (HoFF) shall abide by the assurance given to this Court with regard to the eviction of the forest dwellers, tribals, Gujjars and others.”

5. A counter affidavit has been filed by the Divisional Forest Officer, Haldwani on behalf of the respondents. The stand taken therein is that the present PIL is not a bonafide petition nor the complainant is a bonifide public-spirited citizen. He is closely related to Harish Pokhariya, whose cause is being espoused in the instant petition.

6. It is contended that in view of the above, the present petition is nothing but a misuse of PIL jurisdiction.

7. The further stand taken in the counter affidavit is that the Forest Range Officer, Nandhaur Range, Haldwani Forest Division, Haldwani vide letter dated 29.08.2023 informed the Divisional Forest Officer, Haldwani Forest Division, Haldwani that Harish Pokhariya had illegally occupied over 0.50 hectare Forest Land situated in Nandhaur Block-1 which is a Reserved Forest Notified under Section 20 of Indian Forest Act, 1927 vide Notification dated 18.01.1966.



8. Consequently, a notice was issued to him under Section 61A of Indian Forest (Uttaranchal Amendment) Act, 2001 which provides for a procedure for eviction of unauthorized occupants of forest land.

9. Pursuant to the notice, he appeared before the Divisional Forest Officer himself on 10.10.2023 and 03.11.2023 and through his representative on 20.11.2023, 22.12.2023, 08.07.2024, 20.08.2024, 26.09.2024 and 18.10.2024. Thereafter, an order for eviction was passed against him on 21.10.2024 by the Divisional Forest Officer, Haldwani.

10. Challenge was put to the said eviction order before Appellate Authority/ Conservator of Forest, Western Circle, Uttarakhand Haldwani under Section 61A(4) of Indian Forest (Uttaranchal Amendment) Act, 2001. The appellate authority after giving reasonable opportunity of hearing to Harish Pokhariya dismissed the appeal vide order dated 03.12.2024.

11. Harish Pokhariya did not challenge the appellate order and, on the other hand, made a written request in the month of March, 2025 seeking time till June, 2025 to vacate. He was granted nine months' time to vacate. It is stated that the aforesaid facts have been concealed by the complainant in the complaint filed by him.



12. In paragraph no.14 of the counter affidavit, it is denied that action was taken against other villagers residing in the village. It is stated that since Harish Pokhariya was in unauthorized occupation over forest land, therefore, action was taken in public interest.

13. It is also stated that on 07.08.2025 when the respondents tried to implement the eviction order, the complainant and others obstructed the lawful eviction proceedings. Consequently, the Range Forest Officer, Nandhaur Range, was compelled to lodge FIR against the obstructionists. The matter is under investigation by the Police Department.

14. In paragraph no.20 of the counter affidavit, it has been stated that the complainant-Bhuwan Chandra Pokhariya has several criminal cases pending against him, including Gunda Act, and as per report of the Police Department total 8 FIR has been registered against him in different police stations. He is a person of dubious credentials and cannot be considered a bonafide litigant.

15. It is further stated in paragraph no.21 of the counter affidavit that Harish Pokhariya is not covered under Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 nor any such benefit was claimed by him while contesting the eviction proceedings.



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16. In view of the specific stand taken in the counter affidavit, we are of the considered opinion that the complaint though stated to have been filed in public interest is, in fact, an attempt to espouse a cause of a particular person i.e. Harish Pokhariya against whom an eviction order was passed and which was also maintained in appeal. The credentials of the complainant also appear to be doubtful.

17. There is no evidence of any action having been taken by the department against the villagers as such.

18. Having regard to the aforesaid facts, we do not find it a fit case to be examined further as a public interest litigation. In case Harish Pokhariya is aggrieved by the eviction proceedings, legal remedies are available to him which he is entitled to exercise.

19. Having regard to the above, the petition is consigned.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 13.02.2026

SS

**SUKHBANT
SINGH**

Digitally signed by SUKHBANT SINGH
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