



2026:UHC:1440-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 (M/B) No.773 of 2025

26 February, 2026

Pt. Suresh Tiwari

--Petitioner

Versus

District Magistrate Haridwar and Another --Respondents

Presence:-

Mr. Kurban Ali and Ms. Shumayla Zafri, learned counsel for the petitioner.

Mr. Amrendra Pratap Singh, learned Addl. Advocate General along with Mr. Gajendra Tripathi, learned Standing Counsel for the State of Uttarakhand.

Mr. Piyush Garg and Mr. Nikhil Singhal, learned counsel for the applicant in impleadment application.

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

1. The present writ petition has been filed assailing an order dated 14.11.2023 passed by the District Magistrate, Haridwar rejecting the representation of the petitioner dated 09.08.2023.

2. In the said representation, the petitioner alleged that he is Head Priest of Maa Mansa Devi Temple and has right to perform *pooja* and *archana* in the said temple as a Chief Priest till his lifetime. However, he has been assigned other responsibilities by the Trust in an arbitrary manner. The petitioner, accordingly, made



prayer in his application that he may be permitted to perform his duties as Chief Priest and appropriate direction be issued in this regard.

3. An impleadment application has been filed on behalf of Maa Mansa Devi Temple through trustee Mahant Digambar Raj Giri in which the claim of the petitioner has been denied and it is stated that he is only an employee of the Trust and in that capacity he is being paid his salary. It is alleged that he has no right to perform pooja as Chief Priest as is being claimed. It is also stated that an injunction suit being O.S. No.47 of 2025 has been filed by the applicant-trust against the petitioner and one another person and it is pending wherein the subject matter of the dispute between the parties is similar.

4. Learned counsel for the petitioner, rebutting the contention, submits that the said suit was for declaration of rights in an immovable property and not for deciding the rights of the petitioner as Chief Priest.

5. After making submissions at some length, learned counsel for the petitioner prays for withdrawal of the writ petition with liberty to the petitioner to institute his independent suit for establishing his right as Chief Priest. It is submitted that in such an event the findings



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recorded in the impugned order may not come in his way.

6. The District Magistrate has rejected the application of the petitioner by observing that no evidence has been filed before him to establish the right being claimed by the petitioner. The said order does not decide right of any party.

7. Consequently, in our considered opinion, the said order would be of no effect, in case a civil suit is instituted by the petitioner for establishing his rights.

8. Accordingly, as prayed by learned counsel for the petitioner, the writ petition is disposed of with liberty to the petitioner to avail civil remedies. It is further provided that in case any civil remedy is availed by the petitioner, the findings recorded by the District Magistrate in the impugned order will not influence the decision of the Court.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 26.02.2026

SS

SUKHBANT SINGH

Digitally signed by SUKHBANT SINGH
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