



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

15th July, 2026

WRIT PETITION (PIL) NO. 236 of 2025

Nand Kishor

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Jai Krishna Pandey and Mr. Ajay Joshi, learned counsel for the petitioner.
Mr. J.P. Joshi, learned Additional Advocate General with Mr. S.M.S. Mehta, learned Standing Counsel for the State.
Mr. Lalit Sharma, learned Dy. Solicitor General along with Mr. Manoj Kumar, learned Standing Counsel for the Union of India.
Ms. Anjali Bhargava, learned counsel for the respondent no.5.

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

1. The present writ petition has been filed ostensibly in public interest for setting aside order dated 20.10.2023, issued by the Revenue Section-2 of Government of Uttarakhand, whereby seven acres of land comprising of khasra no.1K, Gram Panchayat Khairi Man Singh, Pargana Parwadun, Tehsil Sadar, District Dehradun, has been allotted to Indo-Tibetan Border Police (ITBP).

2. The case of the petitioner is that over a portion of the said land three pathways were in existence and they provided connectivity in the area, but as a result of allotment of the land in favour of ITBP,



the villagers have been left with no road or passage to access their houses and agricultural fields.

3. Having regard to the said contention, we required respondent no.1 to file an affidavit and disclose whether any access road is available to the villagers to approach their fields.

4. In pursuance of the said direction, a counter affidavit has been filed on behalf of respondent no.1, wherein it is stated that the land in question is, in fact, category 5(3) banjar land and it was allotted to ITBP. In para 12 of the counter affidavit, it is stated that while the said land was lying vacant, it was being used in parts for ingress and egress by the villagers. It is further stated that, after the allotment of the said land to ITBP, a 15 feet wide road has been developed on the corner, which is being used by the villagers for ingress and egress. The same stand has been taken in paragraph 14 of the counter affidavit. The respondents have also filed a site plan indicating therein the 15 feet wide road which has now been developed by the State for providing access to the abadi area and to the agricultural fields.

5. In the rejoinder affidavit, learned counsel for the petitioner has not denied that 15 feet wide road has been developed by the respondents. It is however stated that the said road neither connects nor provides access to the



agricultural holdings or the residential houses of the villagers.

6. We have perused the site plan annexed by respondent no.1 along with his counter affidavit and the correctness of which has not been disputed. A perusal thereof reveals that the 15 feet wide road now developed connects the abadi area of village Khairi Man Singh with the Maldevta-Sahastradhara motor road, which is 24 feet in width. Another connectivity is provided through the same road to the Maldevta-Shimlaquora motor road.

7. In view of the same, we find no ground to interfere with the decision of the State in allotting the land to ITBP.

8. The writ petition is mis-conceived and is accordingly dismissed.

9. Pending application, if any, also stand(s) disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 15.07.2026
KKS/PP