HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

October 31, 2026

Writ Petition (PIL) No.24 of 2021

Prateek Khanduri ----Petitioner

Versus

State of Uttarakhand & Others ----Respondents

Presence:-

Mr. Priyansh Mittal, Advocate holding brief of Mr. Abhijay Negi, learned counsel for the petitioner

Mr. B.S. Parihar, learned Additional C.S.C. with Mr. M.S. Bisht, learned Brief Holder for the State

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The Court made the following:

JUDGMENT: **(per Hon'ble Justice Sri Manoj Kumar Tiwari, A.C.J.)**

1. In this writ petition, allegedly filed in public interest, petitioner has sought the following reliefs:-

> *"i) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to remove encroachment from the public land/road [i.e. in between Village Jaitanwala and Village Khabarwala upto Santladevi Temple having total length of about 5 kms.]*
>
> *ii) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent nos.1, 2 and 4 to 9 to stop the illegal mining being carried out by some mining Mafias in "Nun River" at Santladevi Mandir Marg, within the territory of Tehsil Sadar, District Dehradun.*
>
> *iii) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent no.6 to*

not permit any illegal construction without lawfully sanctioning of map from MDDA and to immediately seize the ongoing illegal construction works in between Village Jaitanwala and Village Khabarwala upto Santladevi Temple, which are being raised without sanctioning of map from MDDA."

2. Learned State Counsel submits that all encroachments from Santladevi Mandir Marg, Dehradun have been removed.

3. Learned counsel for the petitioner, however, disputes the said submission.

4. Having regard to the facts and circumstances of the case, writ petition is disposed of with liberty to the petitioner to make representation indicating the encroachments, which are yet to be removed from Santladevi Mandir Marg. If petitioner makes representation to the Competent Authority, the same shall be dealt with, as per law, within four months thereafter. It goes without saying that before taking any punitive action, the persons, who are likely to be affected, shall also be given opportunity of hearing.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 31.10.2026
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