2026:UHC:3138

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.1122 of 2026

27th April, 2026

Aditya Singh .....Petitioner

Versus

State of Uttarakhand and others .....Respondents

Presence:-
Mr. Santosh Kumar, learned Senior Advocate assisted by Mr. Abhishek Chilwal, learned counsel for the petitioner.
Mr. N.S. Pundir, learned D.A.G. for the State.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed by the petitioner challenging the notice dated 14.03.2026 as well as notice dated 27.03.2026 issued by District Magistrate, Nainital, annexure nos.7 and 9 to the writ petition (annexure no.9 wrongly transcribed as annexure no.11 in the prayer clause).

2. By the notice dated 14.03.2026 the petitioner was directed to remove the illegal encroachment made by the petitioner over the Van Panchayat land Village-Sundar Khal by cutting illegal road thereon and further calling upon the petitioner to bring the land in its original structure failing which proceeding will be initiated against the petitioner under the relevant provisions of Van Panchayat, 2005, Indian Forest Act, 1927, The Forest (Conservation) Act, 1980 and B.N.S.S. 2023.

3. By the second notice dated 27.03.2026, annexure no.9 to the writ petition, petitioner was called upon to deposit a sum of ₹3,24,972/- for doing illegal mining in Village-Manaye, Van Panchayat-Sunder Khal to show cause as to why the proceedings be not initiated

against him under the relevant government orders and Acts.

4. At the very outset, it is reflected that the petitioner has brought together two causes of actions by challenging two different notices by filing the present writ petition.

5. Learned counsel for the petitioner limited his prayer in respect of notice dated 27.03.2026, annexure no.9 to the writ petition, while for the notice dated 14.03.2026 he is not pressing the writ petition seeking liberty to challenge the same.

6. Accordingly the prayer to the extent of challenging the notice dated 14.03.2026 is hereby dismissed, as not pressed, however a liberty is given to the petitioner to challenge the same in separate proceedings.

7. By means of the notice dated 27.03.2026, annexure no.9 to the writ petition, petitioner was called upon to give a reply within a period of 15 days from the date of receipt of the notice.

8. The limited submission made by learned Senior Advocate for the petitioner is that notice dated 27.03.2026 was received by the petitioner only on 16.04.2026 which was received to the petitioner on WhatsApp Phone No.9999631006, after expiry of the period of 15 days.

9. The petitioner limited his prayer to the extent that the time be extended to reply the aforesaid notice dated 27.03.2026, annexure no.9 to the writ petition.

10. Since the prayer made by learned counsel for the petitioner appears to be innocuous, therefore, this Court is

of the view that before proceeding further with the notice a chance should be given to the petitioner to reply the said notice.

11. Accordingly writ petition stands disposed of and it is provided that petitioner may file his reply to the notice dated 27.03.2026, annexure no.9 to the writ petition, within a period of 15 days from today i.e., on or before 12.05.2026. Once reply is received by the District Magistrate, Nainital. The said reply shall be considered by the respondent no.3-District Magistrate/Collector, Nainital, in accordance with law, who shall pass appropriate order, in accordance with law, not later than 15 days' from the date of receipt of reply of the petitioner. By then the amount ₹3,24,972/- imposed upon the petitioner shall not be recovered from the petitioner.

(Pankaj Purohit, J.)
27.04.2026

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