SL No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPPIL No. 99 of 2023 **Manoj Sah Jagati ---- petitioner** **Vs** **State of Uttarakhand & ors ---- respondents** **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Pradeep Upreti, learned counsel for the petitioner. 2. Mr. Puran Singh Bisht, learned Chief Standing Counsel with Mr. Gajendra Tripathi, learned Standing Counsel for the State. 3. Mr D.S. Patni, learned Senior Counsel assisted by Mr. Bhupendra Bisht, learned counsel for the respondent-Nagar Palika Parishad, Nainital. 4. Mr. Piyush Garg, learned Senior Counsel assisted by Mr. Ravi Shankar Kandpal, learned counsel for applicant in Impleadment Application (IA No. 03 of 2026). 5. In sequel to order dated 30.10.2026, Mr. Akash Gangwar, Divisional Forest Officer, Nainital Forest Division is present in Court. He submits that first proposal for diversion of forest land admeasuring 0.80 hectare, for construction of road was submitted on-line in the PARIVESH portal of Ministry of Environment, Forest and Climate Change, Government of India on 11.01.2024, however, certain defects were pointed out and the defects were cured multiple times and, the last time defect was pointed out by the Additional Principal Chief Conservator of Forest (Nodal Officer) on 04.05.2026 and, those defects were also cured. In the meantime, a spot inspection was made and it was found that the proposed road leads to Pines cremation ground and

the 30 years lease of forest land granted to Nagar Palika Parishad, Nainital for cremation ground expired in the year 1992 and Nagar Palika did not apply for renewal of lease.

6. Learned Senior Counsel appearing on behalf of Nagar Palika Parishad, however, submits that the proposal for diversion of forest land for construction of road cannot be withheld merely because the lease for the cremation ground granted to Nagar Palika Parishad has expired.

7. Having regard to the facts of the case, we dispose of this writ petition with a direction to the competent authority in Nagar Palika Parishad, Nainital to submit proposal for renewal of lease to the Forest department within 10 days. The competent authority in the Forest department shall consider the proposal and pass necessary order, as per law, within one month thereafter.

8. Once lease granted to Nagar Palika Parishad for cremation ground is renewed, the Nodal Officer shall consider the proposal for diversion of forest land which is already uploaded in the PARIVESH portal within two weeks from the date the lease is renewed.

9. With the aforesaid direction, the writ petition stands disposed of.

10. All pending application(s) also stands disposed of.

(Subhash Upadhyay, J.) 03.11.2026

(Manoj Kumar Tiwari, A.C.J.) 03.11.2026

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