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 (M/B) No.371 of 2024

Bachi Devi & Others ----Petitioners

Versus

State of Uttarakhand & Others ----Respondents

And

Writ Petition (M/B) No.374 of 2024

Mohan Ram & Others ----Petitioners

Versus

State of Uttarakhand & Others ----Respondents

Presence:-

Mr. Nikhil Bhatt, learned counsel for the petitioners

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. Since common question of law and facts are involved in these writ petitions, therefore, they are being heard and decided by this common judgment. However, for sake of brevity, facts of WPMS No.371 of 2024 alone, are being considered and discussed.

2. The relief sought in WPMB No.371 of 2024 is as follows:-

> *"(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.3 not to disturb the dwelling of the petitioners at Pucchdi/Kalusiddh Upper Kosi Block, Ramnagar District Nainital, till the completion of the procedure of the regularization or their relocation as per the Government Order/Circular dated 25.05.2023 issued by respondent no.2.*
>
> *(ii) Issue a writ of certiorari quashing the impugned notices dated 05.08.2024, 16.08.2024 and any pursuant orders/directions issued by the respondent no.3 against the petitioners, for want of non-observance of rules of natural justice."*

3. According to the petitioners, they have constructed a dwelling house at Pucchdi/Kalusiddh Upper Kosi Block, Ramnagar, District Nainital, however, the Forest Authorities are now trying to demolish their house. It is contended that petitioners have applied for regularization of their possession in terms of Circular issued by Principal Chief Conservator of Forests on 25.05.2023, therefore, the forest officials be restrained, till their application for regularization is decided.

4. We have perused the Circular dated 25.05.2023. It does not indicate that there is any policy in place for regularization of unauthorized occupants over forest land.

5. Having regard to the facts and circumstances of the case, we dispose of the writ petition with liberty to the petitioners to submit reply/representation to the Divisional Forest Officer, concerned Forest Division, within three weeks. If

petitioners submit their reply/representation within stipulated time, the same shall be considered and decided by Divisional Forest Officer concerned within three months thereafter. For a period of four months or till decision is taken by concerned Divisional Forest Officer, *status quo* as regards the possession of the petitioners shall be maintained.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 31.10.2026
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