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.161 of 2024

Hishant Ahi ----Petitioner

Versus

Union of India & Ors. ----Respondents

Presence:-

None present for the petitioner

Mr. Manoj Kumar, learned Standing Counsel for Union of India

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

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The Court made the following:

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

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

> *"a) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to immediately halt all illegal encroachments, tree felling, and unauthorized constructions on Van Panchayat and forest lands in District Nainital and across the State of Uttarakhand.*
>
> *b) Constitute a Special Investigative Committee (S.I.T.) comprising officials from the Ministry of Environment and independent environmental experts, to investigate the extent of illegal encroachments and misuse of public lands in the State of Uttarakhand, particularly in District Nainital, and submit a detailed report to this Hon'ble Court within a stipulated time.*
>
> *c) Direct the respondents to undertake restoration and reforestation efforts in all areas where illegal tree felling and*

construction activities have occurred, under the supervision of this Hon'ble Court.

d) Direct the respondents to take immediate disciplinary and legal action against the officers responsible for permitting illegal constructions, encroachments, and deforestation in violation of the Forest Conservation Act and other relevant environmental laws.

e) Direct the State to develop strong initiatives that promote better utilization of Van Panchayat and other government lands, along with establishing stringent standards and guidelines for their management."

2. Counter affidavit is filed by Mr. Chandra Shekhar Joshi, Divisional Forest Officer, Nainital Forest Division on behalf of respondent nos.3, 6 and 7. Paragraph nos.14 and 16 of the said counter affidavit are reproduced below:-

"14. That in the matter of Van Panchyat Supi and Budibana Survey and demarcation conducted by revenue authorities in year 2009. Therefore the claim of petitioner is incorrect that respondents are in the position of inaction. Further it is also necessary to mention here that the petitioner has concealed the information about Writ Petition 1023/MS/2004 Forest Panchyat Supi Vs Additional Chief Revenue Commissioner and others and Contempt Petition no-72/2009 Forest Panchyat Supi through its Sarpanch Vs Sri Haritash Gulshan, District Magistrate Nainital and others in instant writ petition while he is claiming himself as an active advocate for the Van Panchayat Supi and Budibana. The matter is also barred under Rule -11 of Civil Procedure Code according to principle of Res-Judicata.

16. That one Mr Aman Ahi, R/o Flat no 204,Tower-6 Paras Tiyara, Sector-137 Noida, Uttar Pradesh vide letter 6 July 2024 requested to Divisional Forest Officer, Nainital to

resolve the dispute between land of Van Panchayat Supi and Budibana and further claimed that his private land is situated in these Van Panchayats. The petitioner is razing the similar issue. The issue of this PIL is the matter of private interest."

3. Learned State Counsel submits that since petitioner's brother is having a dispute with Forest Department regarding some land in Van Panchayat Supi and Budibana, therefore, this is a motivated petition, which is styled as public interest litigation.

4. Having regard to the facts and circumstances of the case, and also the statement made by learned State Counsel that encroachment from Van Panchayat land has been removed from Van Panchayat Supi and Budibana, therefore, no useful purpose would be served in keeping this writ petition pending.

5. We, therefore, dispose of the writ petition by directing the Principal Chief Conservator of Forest (Hoff), Uttarakhand to upload the map of Van Panchayat land in the official website of the Forest Department and also to ensure that no part of Van Panchayat land comes under encroachment.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 31.10.2026
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