2026:UHC:9840

# HIGH COURT OF UTTARAKHAND AT NAINITAL

**Writ Petition Misc. Single No. 3330 of 2026**

**29 October, 2026**

Bharat Singh Rawat --Petitioner

**Versus**

District Magistrate Nainital and Others --Respondents

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**Presence**:-

*Mr. Avidit Noliyal, learned counsel for petitioner.*

*Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand/respondent Nos.1 to 4.*

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**Hon'ble Pankaj Purohit, J. (Oral)**

By means of the present writ petition, petitioner has sought the following reliefs:-

a) *Issue a writ order or direction in the nature of mandamus commanding respondent Nos.1 to 4 to consider and decide the petitioner's representations and legal notices concerning the ongoing construction at the disputed resort situated over Khasra Nos.62, 83 and 84 of Khata-Khatauni No.67, Village Dhikuli, Tehsil Ramnagar, District Nainital, in accordance with law and within a time-bound period prescribed by this Hon'ble Court.*

b) *Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to conduct a site inspection and verify the sanctioned building plan, land-use permissions, applicable environmental approvals, no-objection certificates and other statutory permissions, if any, in respect of the construction being undertaken by respondent Nos.5 to 7 at the disputed site.*

c) *Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities to restrain further construction, demolition or alteration at the disputed site/resort situated over Khasra Nos.62, 83 and 84 of Khata-Khatauni No.67, Village Dhikuli, Tehsil Ramnagar, District Nainital, during pendency of the present writ petition.*

2. The brief facts of the case are that petitioner entered into possession of the resort under a lease arrangement on 24.04.2012 for a period of 12 years and operated it under the name of Corbett Call Resort. Prior to dispossession, respondent No.5 had threatened petitioner over the telephone and warned him against entering the resort after 25.04.2024. In view of the

apprehended threat and possibility of forcible dispossession, petitioner submitted a written complaint dated 18.05.2024 to Home Secretary, Government of Uttarakhand and SSP, Nainital, seeking protection and appropriate preventive action, for which, petitioner approached this Court seeking appropriate intervention in WPCRL No.540 of 2024 *Bharat Singh Rawat Vs. State of Uttarakhand and Others*. This Court vide order dated 22.05.2024 directed SSP, Nainital and SHO, P.S. Ramnagar, to ensure appropriate action in accordance with law. Learned counsel for petitioner submits that despite bringing the order passed by Division Bench of this Court dated 22.05.2024, concerned police authorities, effective measures were not taken to prevent the alleged dispossession and subsequently, petitioner was dispossessed from the resort on 26.05.2024. Thereafter, petitioner instituted a Suit under Section 6 of the Specific Relief Act, 1963, before Civil Judge (S.D.), Ramnagar, District Nainital, which was registered as O.S. No.39/2024 Bharat Singh Rawat Vs. Tarun Kumar Nainwal and Others, seeking protection of possession of the disputed resort on the ground of alleged dispossession. The said Suit was dismissed in default on 29.04.2025 on account of absence of petitioner from the Court on the relevant date. Thereafter, petitioner filed restoration application under Order 9 Rule 9 CPC on 09.05.2025 before Civil Judge (Sr. Div.), Ramnagar, which was registered as Misc. Case No.3 of 2025, which is still pending consideration. The copy of restoration application along with the relevant order sheet is annexed as Annexure No.5 to the writ petition. Petitioner also preferred Civil Suit being O.S. No.62 of 2024 *Bharat Singh*

*Rawat Vs. Tarun Kumar Nainwal and others*, before Civil Judge (S.D.), Ramnagar, Nainital, seeking permanent injunction under Section 38 of the Specific Relief Act, which is also still pending.

3. Learned counsel for petitioner submits that petitioner came to know that the private respondents are demolishing, altering or substantially modifying the existing physical structure of the disputed resort and undertaking fresh construction at the side. He further submits that the ongoing activities are materially altering the physical condition of property and unless the competent authorities take timely action, the existing structure and other relevant physical evidence may be irreversible altered before the restoration application is decided. Petitioner apprehends that such alteration may adversely affect the effecting adjudication of the pending civil proceedings.

4. Having heard learned counsel for the parties and having gone through the entire record of the case, since the lease period of petitioner's resort has already expired in the year 2024 and further there are civil proceedings pending before the court below, this Court is of the view that no interference is required exercising its extraordinay jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, the present writ petition fails and is dismissed *in-limine*.

6. Pending application(s), if any, stands disposed of.

(**Pankaj Purohit, J**.)
29.10.2026

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