
(2026) 03 UK CK 1339

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No.5 Of 2026

Bhuwan Chandra Pokhariya

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-03-2026

Acts Referred:

Citation : (2026) 03 UK CK 1339

Hon'ble Judges : Manoj Kumar Gupta, CJ; Subhash Upadhyay, J

Bench : Division Bench

Advocate : Puran Singh Bisht, Sachin Mohan Singh Mehta

Final Decision : Disposed Of

Judgement

Manoj Kumar Gupta CJ

1. Heard the petitioner-in-person and learned State Counsel for the respondents.

2. The present writ petition has been filed praying for the following reliefs:-

“(i) Issue an appropriate writ, order or direction in the nature of mandamus, commanding the respondent State authorities to forthwith implement and give full effect to the Chief Minister's Notification dated 24.02.2009, along with all consequential governmental approvals and departmental communications, by conferring ownership rights and declaring eligible forest settlements as revenue villages, strictly in accordance with law and within a time-bound manner as may be fixed by this Hon'ble Court;

(ii) Direct the respondent authorities to place before this Hon'ble Court the entire original records, files, notings and correspondence relating to the issuance, processing and non- implementation of the Chief Minister's Notification dated 24.02.2009, including inter- departmental communications between the Revenue Department and the Forest Department, so as to enable this Hon'ble Court to examine the reasons for prolonged inaction spanning more than two decades:

(iii) Issue appropriate directions fixing administrative accountability upon the officers and authorities responsible for the deliberate delay, suppression and non-implementation of a binding executive decision, and to take such corrective and remedial measures as may be deemed fit to prevent recurrence of such administrative paralysis in matters affecting fundamental and human rights of marginalised communities,

(iv) Issue such further directions as may be necessary to ensure that the affected forest- dwelling communities are not subjected to eviction, harassment or coercive action during the pendency of the implementation process, and that their right to residence, livelihood and dignity is protected in the interim;”

3. The contention of the petitioner is that the Chief Minister on 21.02.2009 made a public declaration that certain land of the Forest Department falling under Vidhansabha constituency Haldwani would be declared as revenue village. Similar declaration was again made by him in subsequent years. The same were duly communicated to the concerned departments also.

4. On 04.11.2010, Additional Secretary, Revenue Department, Government of Uttarakhand addressed a communication in reference to the said declaration to the Additional Secretary, Chief Minister Secretariat. It is further submitted that the matter was also discussed in Vidhansabha but till date the area has not been declared as revenue village.

5. Learned State Counsel has invited our attention towards notification no.104/XVIII(1)/2013-9(7)/2009 dated 31.05.2013 which states that the Union Government by order dated 04.12.2006 has imposed a ban on conversion of forest land to revenue villages in Districts Nainital, Udham Singh Nagar and Champawat in the State of Uttarakhand and, therefore, the declaration made by the Chief Minister would stand rescinded. He submits that as Union Government has imposed ban on conversion of forest land into revenue villages in Districts Nainital, Udham Singh Nagar and Champawat, therefore, the declaration made by the Chief Minister could not be given effect to.

6. The petitioner in reply, has placed reliance on certain office notings obtained under the Right to Information Act filed as Annexure-5 wherein it is stated that certain forest land of village Tehri Bandrakoti and Tehri Vikasnagar has been given the status of revenue villages.

7. The ban imposed by Union Government by order dated 04.12.2006 is in respect of the forest land of District Nainital, Udham Singh Nagar and Champawat and not District Haridwar and Tehri. The petitioner, therefore, cannot be given any benefit of the fact that certain land of villages falling in District Haridwar and Tehri has been declared as revenue villages. The declaration made by the Chief Minister on which reliance has been placed evidently has not been implemented, in view of the ban imposed by the Central Government.

8. As there is no material before us that the aforesaid ban in respect of any land

falling under District Nainital has been withdrawn, therefore, the relief prayed for in the writ petition cannot be granted.

9. Thus, the writ petition fails and is, accordingly, disposed of.

10. Pending application, if any, also stands disposed of.