
(2023) 08 UK CK 0099

In the Uttarakhand High Court

Case No : Writ Petition (M/B) No. 206 Of 2023

Dyara Parytan Utsav Samiti Raithal

APPELLANT

Vs

District Magistrate, Uttarkashi & Another

RESPONDENT

Date of Decision : 14-08-2023

Acts Referred:

Citation : (2023) 08 UK CK 0099

Hon'ble Judges : Vipin Sanghi, CJ;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : Saurabh Kumar Pandey, C.S. Rawat, Vikas Pande

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. Issue notice. Learned counsel appears and accepts notice on behalf of the respondents.
2. The challenge in this writ petition is to the order dated 07.08.2023, issued by respondent no.2, i.e. Divisional Forest Officer, Uttarakhand, Forest Range, Uttarkashi, whereby restriction has been placed on the number of tourists, who can visit the butter festival/ Andudi, conducted by the petitioner-society each year, to two hundred.
3. The case of the petitioner is that the said butter festival is being held by the petitioner traditionally every year for many decades. It is a religious festival which is attended by the locals. The locals play holi with butter milk and butter. The festival is a two day event, and this year, it is being held on 16th and 17th of August, 2023. The petitioner is aggrieved by the restriction imposed on the number of tourists who can visit and participate in the said festival to two hundred. The said restriction has been imposed in the light of the judgment rendered by this Court in Writ Petition (PIL) No.123 of 2014, "Aali Bedini Bagzi Bugyal Sanrakshan Samiti vs. State of Uttarakhand & others", dated 21.08.2018

which, inter alia, directed the State Government to restrict the number of tourists, to not more than two hundred, who are visiting alpine meadows/ sub-alpine meadows/ Buggyals in the State of Uttarakhand.

4. We have called for the file of the said case, and perused the completed judgment.

5. The submission of learned counsel for the petitioner is that, even though the said judgment was rendered on 21.08.2018, the same has been sought to be implemented for the first time by issuance of the impugned communication dated 07.08.2023, issued by the DFO.

6. Learned counsel submits that there is no reason to place the said restriction on the number of tourists who can visit the butter festival, which is held on the Buggyal. He submits that the Buggyals can be accessed only by track and it is not motorable. The track is about 7 Kms from the last point where the vehicles can reach.

7. Having perused the complete judgment, and the rationale for imposition of the aforesaid condition, we are not inclined to entertain this petition.

8. There is no restriction on the number of local population who can visit and participate in the festival. The restriction is only in relation to tourist. Since it is a religious festival, the presence of tourists is not essential for holding of the festival. In any event, upto two hundred tourists can still visit the festival.

9. Buggyals, as noticed in the judgment rendered in Writ Petition (PIL) No.123 of 2014, are highly eco-sensitive areas, and they have to be preserved for preservation of ecology. Increase in tourism in such highly ecologically sensitive areas is bound to result in degradation, as they put pressure on the services. Increase in population is bound to lead to greated pollution in the area, even though the Buggyals are not accessible through vehicles. Increased activity in Buggyals also leads to global warming.

10. We are, therefore, not inclined to entertain this petition, and the same is, accordingly, dismissed.

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