
(2025) 05 UK CK 0657
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 60 Of 2025

Rekha Devi

APPELLANT

Vs

Secretary Ministry Of Environment And Others

RESPONDENT

Date of Decision : 02-05-2025

Acts Referred:

Citation : (2025) 05 UK CK 0657

Hon'ble Judges : Manoj Kumar Tiwari, J; Ashish Naithani, J

Bench : Division Bench

Advocate : A.S. Rawat, Hardik Rawat, Girveer Ramola, Sunil Khera, Manoj Kumar, Vinay Kumar

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is resident of village Rudrapur, District Rudraprayag. By means of this writ petition, she has sought following reliefs:-

"I. Issue a writ of Mandamus, or any other appropriate writ, order, or direction in the nature thereof, quashing the impugned order dated 11.03.2022 of the Respondent No 7, by which the Respondent No 7 summarily dismissed the Representation of the villagers, arbitrarily and illegally, in contravention of order of this Hon'ble Court in Writ Petition (M/S) No. 2849 of 2021 Smt. Manju Devi Versus Government of Uttarakhand and others ignoring all rules.

II. Issue a writ of Mandamus, or any other appropriate writ, order, or direction in the nature thereof, quashing the impugned lease deed dated 11.03.2013, by which the land bearing Khasra Nos. 205, 206, and 1075 was purportedly leased to Respondent No. 6;

III. Quash the impugned NOC issued during the period of administrative control, which was obtained without jurisdiction and without the consent of the legally constituted Panchayat;

IV. Quash the impugned central government approval dated 07.09.2009 and the State Government lease permission dated 02.03.2010, both of which are ultra vires and based on misrepresentation;

V. Direct the Respondents to restore the said Gauchar land to its original purpose and ensure that it remains exclusively for communal grazing use as per the Bandobasti classification;

VI. Direct the Respondents to withdraw all FIRs filed against villagers who peacefully protested against the encroachment and provide compensation to those who were unlawfully detained or injured during disproportionate use of force;

VII. Direct the State to ensure compliance with Pakur Jagran Manch (supra) and related constitutional safeguards in all such cases;

VIII. Award exemplary costs and damages for violation of the villagers' fundamental rights, and to deter similar arbitrary action by public authorities in the future;"

2. In sum and substance, contention of petitioner is that no power sub-station should be set up over Gauchar land of village Rudrapur.

3. Learned State Counsel submits that power sub-station is being set up, in order to ensure power supply to Kedarnath valley, including this village. He submits that alignment of transmission line has been decided by experts and there is no other place where power sub-station can be set up nearby.

4. Mr. Vinay Kumar, learned counsel appearing for Power Transmission Commission of Uttarakhand Limited (PTCUL) submits that construction of sub-station has also begun.

5. Mr. A.S. Rawat, learned Senior Counsel appearing for petitioner, however, disputes the statement made by learned counsel appearing for PTCUL, that construction has begun.

6. Learned counsel for the respondents submits that one Ms. Manju Devi had earlier filed a Writ Petition (M/S) No. 2849 of 2021, raising same issue, which was disposed of by directing the District Magistrate to take decision on petitioner's representation.

7. It is further informed by respondents' counsel that District Magistrate has taken decision on the representation made by Ms. Manju Devi and Manju Devi has challenged the decision so taken in Writ Petition (M/S) No. 1949 of 2023. Thus, learned counsel for the respondents submits that since identical issue is under consideration in Writ Petition (M/S) No. 1949 of 2023, no useful purpose would be served by entertaining this writ petition.

8. We find substance in the said submission. Since issue raised by petitioner in this writ petition is under consideration in WPMS No. 1949 of 2023, therefore, we

dismiss this writ petition with liberty to petitioner to seek intervention in the said writ petition.