



2026:UHC:344-DB

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (PIL) No.9 of 2026**

**08 January, 2026**

Vikesh Singh Negi

---Petitioner

**Versus**

State of Uttarakhand and Others

--Respondents

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**Presence:-**

Mr. Nalin Saun, learned counsel for the petitioner.

Mr. S.N. Babulkar, learned Advocate General along with Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand.

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**Hon'ble Manoj Kumar Tiwari, J.**

**Hon'ble Subhash Upadhyay, J.**

(Per: Hon'ble Manoj Kumar Tiwari, J.)

**JUDGMENT**

Petitioner claims to be an advocate practicing at Dehradun. According to him, State Government is constructing a war memorial in the name and style of 'Sainya Dham' at Guniyal Gaon, Pargana Pachhuwa Doon, District Dehradun without ascertaining true nature of land.

2. It is alleged that land over which war memorial is proposed to be constructed is forest land, therefore, it cannot be used for any other purpose.

3. The relief(s) sought for in this writ petition are as follows:

"1. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to forthwith stop all construction activities relating to 'Sainya Dham - Defence/War Memorial' on the land in question, in contravention to the laws as laid down in Forest



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(Conservation) Act, 1980 and other applicable environmental laws

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to transfer the entire allocated land demarcated for the construction of 'Sainya Dham - Defence/War Memorial' to Forest Department, Uttarakhand.

III. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to declare that any diversion, de-reservation, or use of forest land for non-forest purposes without prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 is illegal, void ab initio, and unenforceable;

IV. Issue a writ, order or direction in the nature of mandamus for constitution of a Special Investigation Team (SIT) or order a CBI inquiry, under the supervision of this Hon'ble Court, into:

a. Illegal reclassification and diversion of forest land;

b. Disappearance of forest boundary pillars in the Mussoorie Forest Division; c. Encroachment upon forest and environmentally protected land:

d. The role of forest, revenue, and other public officials in the aforesaid acts;

V. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to direct the respondents to identify, demarcate, and restore all encroached forest land, including land covered by Supreme Court restrictions in the Doon Valley, and to take coercive action against encroachers strictly in accordance with law;

VI. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to direct initiation of disciplinary and criminal proceedings against erring officials found responsible for dereliction of duty, collusion, or abuse of official position;

VII. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to Issue appropriate directions for environmental restoration and afforestation, at the cost of persons found responsible for illegal diversion or encroachment;

VIII. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

4. Learned Advocate General, however, has drawn attention of this Court to joint survey report which is enclosed as Annexure-2 to writ petition. The said joint survey was done by Revenue as well as



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Forest authorities and it is signed by Forest Range Officer, Raipur Range and Forester, Rajpur Section besides Revenue Sub-Inspector and Tehsildar of concerned area. In the said Joint Inspection Report, it is mentioned that land in question, over which war memorial is being constructed, is not part of forest land and, in fact, it is mentioned therein that Forest authorities do not have any objection against allotment of land for construction of war memorial.

5. Learned Advocate General further submits that construction of war memorial began in 2021 and construction is almost complete and it is likely to be inaugurated very soon in coming months.

6. Having regard to facts and circumstances as mentioned above, this Court do not find any scope for interference in the matter. Since forest authorities have inspected land and certified that it is not part of forest land, therefore, ground taken by petitioner for challenging construction of war memorial is legally unsustainable.

7. Thus, there is no scope for interference. The writ petition fails and the same is, accordingly, dismissed.

**(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, J.)**

08.01.2026

SS