



2026:UHC:2458-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

7th April, 2026

Special Appeal No. 52 of 2026

Arti

-----Appellant

Versus

State of Uttarakhand & others

-----Respondents

Presence:-

Mr. Reituparan Joshi and Mr. Niranjana Bhatt, learned counsel for the appellant.

Mr. Rajiv Bisht, learned Additional Chief Standing Counsel, assisted by Mr. S.M.S.Mehta, learned Brief Holder for the State.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The appeal is reported to be beyond time by 48 days.

2. The cause shown for delay in filing the appeal is found to be satisfactory. There is also no opposition to the delay condonation application by learned State counsel. Accordingly, the delay is condoned.

3. The present *intra court* appeal is directed against the order dated 09.12.2025, passed by learned Single Judge, in Writ Petition (M/S) No. 3407 of 2025, Arti vs. State of Uttarakhand and others, whereby the writ petition filed by the petitioner claiming himself to



be President of Parents-Teacher Association challenging the decision of the Government in allotting a piece of land belonging to Government Inter College, to the Health wing of the Government, has been rejected on ground of locus of the petitioner as well as on merits.

4. It appears that the land-in-question was donated by the father of petitioner no.2 to the writ proceedings to Government Inter College.

5. It further appears that the District Hospital is situated in the vicinity of the Government Inter College. The Government in order to construct the Critical Care Unit in the Hospital transferred the land to the Health department, however, the Critical Care Unit was not constructed on the said land but at some other place. Subsequently, the same land was allotted for construction of residential accommodation for Doctors. Aggrieved thereby, the appellant herein claiming to be President of Parents-Teacher Association and one Budhi Singh Panwar alleging that the land-in-question was donated by his father to the college, challenged the action of the Government by filing the writ Petition. The writ petition has been dismissed by the writ court both on the ground of locus and on merits observing that



the Education and Health Department are both wings of the State Government and the State Government in public interest can transfer the land from one department to another. It has also been observed that the State Government is the custodian of public land and the decision taken by the District Administration cannot be questioned in a writ petition, especially when the decision is aimed at augmenting medical facilities in a remote hill town of the State of Uttarakhand.

6. Learned counsel for the petitioner submits that Regulation 12 (7) of the Regulation framed under the Uttarakhand Education Act, enjoins upon the Managing Committee of the Parents-Teachers Association the duty to ensure preservation of the properties of the institution. He submits that in view of the said provision, the appellant as President of Parents-Teachers Association had the locus to maintain the writ petition.

7. The institution has admittedly not come forward with any grievance. It is not disputed that the Education and Health, are both wings of the State Government. The State Government keeping in mind the public interest and the requirements had taken



decision for use of land in a particular manner. The learned Single Judge is right in saying that the wisdom of the Government in this regard cannot be subjected to judicial review unless the decision is shown to be totally illegal or arbitrary.

8. The findings of the learned Single Judge, in this regard are also not under challenge. Consequently, even if we accept that the appellant had locus to maintain the writ petition, we find no good ground to interfere with the order of learned Single Judge.

9. The Special Appeal is dismissed.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.04.2026
Kaushal