



2026:UHC:2949-DB

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA  
AND  
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

**WRIT PETITION (PIL) NO. 64 OF 2023**

**22<sup>ND</sup> APRIL, 2026**

Mohd. Shahzad ..... Petitioner

Versus

State of Uttarakhand & others ..... Respondents

Counsel for the petitioner : Mr. Piyush Garg, learned counsel

Counsel for the respondents : Mr. B.P.S. Mer, learned Standing  
Counsel for the State

: Mr. Bhuwan Bhatt, learned counsel  
for respondent No. 7

: Mr. Saif Hameed, learned counsel  
holding brief of Mr. Vishwa Prakash  
Bahuguna, learned counsel for  
respondent Nos. 8 to 16

**The Court made the following:**

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

1) The following reliefs have been prayed for in the  
present writ petition :

*“(a) To issue a writ, order or direction in the nature of  
mandamus commanding the respondent Nos. 1 to 7  
to ensure that no interference is caused at the*



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*hands of respondent Nos. 8 to 16, in burial of the dead bodies and in performance of post death rituals of the members belonging to Barelvi community in the Kabristan situated in Village Bhaniyawala, Tehsil Doiwala, District Dehradun and be directed to ensure that adequate protection is being provided for peaceful burial of the dead bodies and post death rituals of the members belonging to Barelvi community in the said Kabristan.*

*(b) To issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 8 to 16 to not to cause any hurdle or interference in burial of the dead bodies and in performance of post death rituals of the members belonging to Barelvi community in the Kabristan situated in Village Bhaniyawala, Tehsil Doiwala, District Dehradun."*

2) The petitioner has asserted right of burial in a *Kabristan* situated in village Bhaniyawala in favour of the members of Barelvi community of Muslim religion. The petition has been filed in a representative capacity. The allegation is that the burial ground is being used by members of another Muslim community namely Deobandi community and respondent Nos. 8 to 16, who belong to the said community, are not permitting the members of Barelvi community to use the burial ground although the strength of the said community in the village is much



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higher as compared to the strength of Deobandi community.

3) The right of burial being claimed by members of a particular community of Muslim as against the other community, in our considered opinion, would not be a matter falling under Public Interest Litigation. We leave it open to the petitioner and members of the said community to establish the said right in appropriate civil proceedings or by such other mode as may be advised.

4) The writ petition stands disposed of, accordingly.

5) Pending application(s), if any, also stand disposed of.

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**MANOJ KUMAR GUPTA, C.J.**

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**SUBHASH UPADHYAY, J.**

Dt: 22<sup>ND</sup> APRIL, 2026  
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