



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Special Appeal No.203 of 2026
29th May, 2026

State of Uttarakhand and Others -----Appellants

Versus

Anjuman Islamia Nainital and Others ----Respondents

Presence:-

Mr. B.P.S. Mer, learned Standing Counsel for the State of Uttarakhand.

Mr. Bhupendra Bisht, learned counsel for respondent no.2.

Mr. Jitendra Chaudhary, learned counsel for respondent no.3.

ORDER: (per Mr. Manoj Kumar Gupta C. J.)

1. Shri B.P.S. Mer, learned Standing Counsel for the State states that he is not pressing the appeal.
2. Accordingly, the special appeal is dismissed as not pressed.
3. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 29.05.2026
ss

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.1584 of 2026</p> <p><u>Hon'ble Pankaj Purohit, J. (through V.C.)</u> Mr. Jitendra Chaudhary and Mr. Suhail A. Siddiqui, learned counsel for petitioner.</p> <p>2. Mr. Puran Singh Bisht, learned C.S.C. with Mr. A.P. Singh, learned A.A.G. for the State of Uttarakhand/respondent Nos.1 to 4.</p> <p>3. Mr. Bhupendra Bisht, learned counsel for respondent No.5.</p> <p>4. This writ petition has been filed by petitioner-Society calling for original record and to quash the impugned cancellation letter dated 25.05.2026 (Annexure No.5 to the writ petition Pg. 31), whereby, respondent No.6 has refused petitioner-Society and its Members to offer Namaz in Gymkhana and Districts Sports Association, field, Nainital known as flates (hereinafter referred as flates). A further direction has also been sought directing respondents to permit petitioner-Society and its Members to offer Namaz in Flates on the auspicious day of Eid-UI-Azha popularly known as Bakrid at about 09:00 AM to 10:00 AM only for one hour.</p> <p>5. It has been argued by learned counsel for petitioner that on flates, Namaz has been offered continuously for the last 100 years and it never created any law and order situation in Nainital.</p> <p>6. It has also been submitted by learned counsel for petitioner that this is for the first time, petitioner-Society was refused to offer Namaz on the flates.</p> <p>7. Learned State Counsel was directed to seek instruction in the matter when the matter was taken up as fresh in the pre-lunch session,</p>

regarding the fact that as to what has happened to representation moved against cancellation order before the District Magistrate, Nainital on 26.05.2026, which was received in the office of Collector, Nainital on the same day, and the matter was placed at 02:30 PM.

8. Now, learned State Counsel got instruction from DM, Nainital, which is taken on record. According to the said instruction, flates is one of the busiest area of Nainital and due to tourist season, around 50,000 tourists are coming everyday to Nainital.

9. It is further stated on the basis of said instruction that by permitting petitioner-Society and its Members to offer Namaz in the flates may create law and order situation and may affect adversely the communal harmony of the town, as the Hindu Temple and Gurudwara are also there adjoining the flates.

10. It is further submitted that representation of petitioner has been rejected by the SDM, Nainital today itself i.e.27.05.2026 and the permission so sought by petitioner-Society through representation was rejected. Instructions and documents produced by the parties, are taken on record.

11. Petitioner-Society may challenge the aforesaid order dated 27.05.2026 in this writ petition by moving an appropriate application.

12. Heard learned counsel for the parties and perused the document passed on to this Court.

13. Letter dated 25.05.2026 issued by Chairman, Uttarakhand Waqf Board, which was forwarded to all Mutavalli/Committee of Management of Uttarakhand State, has also brought to the notice of this Court by learned counsel for the petitioner, which nowhere speaks that Namaz cannot be offered in a field or playground, rather it speaks about

prohibiting offering Namaz at public road, street of and in places that would impact flow of traffic.

14. Since, the auspicious festival of Eid-UI-Azha popularly known as Bakrid is to be celebrated tomorrow i.e. 28.05.2026, therefore, this Court having taken the cognizance the fact that Namaz has always been offered for the last 100 years in the flates with communal harmony and there is no information regarding any untoward situation having been created so far in Nainital during Eid-UI-Azha, this Court is of the view that petitioner-Society and its Members deserve permission to offer Namaz peacefully in the flates, Nainital tomorrow i.e. on 28.05.2026 from 09:00 A.M. to 10:00 A.M. Permission is granted accordingly. Needless to say that the administration and police officers shall maintain law and order as required, strictly.

15. Issue notice to respondent No.6, returnable within six weeks.

16. Steps to be taken within three days.

17. Respondents may file counter affidavit(s) within four weeks.

18. Put up on 13.07.2026.

19. Let a certified copy of this order be supplied to learned counsel for the parties today itself as per Rules.

(Pankaj Purohit, J.)

27.05.2026

PN