



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
July 22, 2026
Writ Petition (PIL) No.90 of 2024

Hitesh Pandey -----Petitioner

Versus

State of Uttarakhand and Others -----Respondents

Presence:-

Mr. Manish Lohani, learned counsel for the petitioner
Mr. B.S. Parihar, learned Additional C.S.C. for the State
Mr. D.S. Patni, learned Senior Counsel assisted by Mr. Himanshu Yadav, learned counsel for respondent no.7

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

1. The present writ petition has been filed in public interest seeking a writ of mandamus directing the government authorities to conduct an inquiry in respect of illegal constructions said to have been made in the temple premises situated at Railway Bazaar, Ward No.16, Mangal Parao, Haldwani, District Nainital. The petitioner has also prayed for a writ of mandamus restraining respondent no.8 from making any illegal construction in the temple premises and to appoint a Receiver in the Committee of Management of Shri Ram Mandir, Ramlila Mohalla, Railway Bazar, Ward No.16, Mangal Parao, Haldwani, District Nainital.



2. According to the petitioner, there exists an ancient Ram Mandir in Ramlila Mohalla, Railway Bazar, Ward No.16, Mangal Parao, Haldwani, District Nainital. It is alleged that in the past, one Pandit Naresh Sharma was the Chief Priest of the temple. He resigned due to ill health. After his resignation, his nephew Vivek Sharma (respondent no.8 herein) is looking after the work of Priest in the temple. It is alleged that for personal gains, he has been using the temple properties in an illegal and arbitrary manner. The further allegation is that he has put photographs of his family members in the temple premises and, on main festival days, he places inner garments of men and women on the entrance of the main temple, ignoring the convenience of the devotees visiting the temple. It is further alleged that he has installed a gate on the public road.

3. On 23.07.2024, a Coordinate Bench passed the following order:-

- "1. Mr. Manish Lohani, learned counsel for the petitioner.*
- 2. Mr. B.S. Parihar, learned Standing Counsel for State / respondent Nos. 1 to 4.*
- 3. Mr. D.S. Patni, learned Senior Counsel assisted by Mr. Himanshu Yadav and Mr. Jaikrishna Pandey, learned counsel for respondent No. 7.*
- 4. Counsel for the petitioner informs that he has already made a complaint on the "Encroachment Grievance App, Nainital, UK".*
- 5. Counsel for the State will now inform us as to what steps have been taken on this complaint made to the District Magistrate, Nainital on the 'Encroachment Grievance App'.*



6. On the next date of hearing, learned counsel for the State will also inform us as to whether such similar Apps are being made in other Districts, and what steps have been taken to make this App for other Districts of the State.

7. List the matter on 26.11.2024.

4. On matter being taken up today, learned State Counsel has placed on record a report received from the City Magistrate, Haldwani and, according to which, in order to ascertain the allegations levelled by the petitioner in his complaint, Tehsildar, Haldwani carried out an inspection on 11.11.2024. The City Magistrate, taking the said report into consideration, has given his report. According to him, although it has been found to be correct that a gate has been constructed but it is stated that same remains open for public use. It is further stated that the allegations regarding mismanagement or misuse of temple property relates to the internal affairs of the Management Committee and in which interference by the official respondent is not warranted. It is further stated that the Temple Committee itself has issued a notice on 08.07.2024 to respondent no.8. It is further stated that in respect of inconsistent usage of certain property, notice u/s 27(1) of the Uttarakhand Urban Planning and Development Act, 1973 has already been issued.

5. A copy of the written instructions along with relevant document has also been provided to learned counsel for the petitioner.



6. Having regard to the report, we are not inclined to proceed any further in the present case. It is left open to the petitioner to avail any other appropriate remedy, if he feels aggrieved by the report of the City Magistrate.

7. With the aforesaid observations and liberty reserved in favour of the petitioner, the present proceedings are closed.

9. Pending applications, if any, also stand disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 22.07.2026

Rajni