



Judgment reserved on:-20.08.2026

Judgment delivered on:- 03.09.2026

HIGH COURT OF UTTARAKHAND AT NAINITAL**Writ Petition (M/B) No.656 of 2026**

Raman Kumar Shah

--Petitioner

Versus

High Court of Uttarakhand & others

--Respondent

Presence:-

Mr. Raman Kumar Shah, petitioner present-in person, with Mr. M.C. Pant, Mr. Navnish Negi, Mr. M.S. Bhandari, Mr. Ravindra Singh Gariya, Mr. Kaushal Sah Jagati & Mr. D.S. Mehta, learned Advocates for the petitioner. Mr. S.N. Babulkar, learned Advocate General, Mr. P.S. Bisht, learned Chief Standing Counsel with Mr. Rajeev Singh Bisht, learned Deputy Advocate General and Mr. Pradeep Hairiya, learned Additional C.S.C. for the State of Uttarakhand.

Mr. Lalit Sharma, learned Deputy S.G. with Mr. Piyush Tiwari, learned Central Government Standing Counsel for the Union of India.

Mr. Shobhit Saharia, learned counsel for the respondent-High Court of Uttarakhand.

Coram :Hon'ble Manoj Kumar Tiwari, J.**Hon'ble Pankaj Purohit, J.****Hon'ble Pankaj Purohit, J. (Oral)**

By means of present writ petition, petitioner has sought the following reliefs:-

- "i. A Writ, Order or Direction in the nature of Certiorari calling for record and quash the Full Court Resolution of this Hon'ble Court dated 19.06.2026 (Annexure No.1 at Page No.27) along with all further proceedings for proposed relocation of the High Court of Uttarakhand from its present location at Nainital.*
- ii. A Writ, Order or Direction in the nature of Certiorari calling for record and quash respondent no.5/ District Magistrate, Nainital Order dated 14.05.2026 (Annexure No. 1 at Page No. 20).*
- iii. A Writ, Order or Direction in the nature of Mandamus directing for initiation of appropriate action against the District Magistrate, Nainital under Section 3A & 3B of the Forest Conservation Act, 1980 for violation of said Act by proposing/directing use of a reserve forest land for non-forest purposes without due clearances/permission of de-reservation/diversion by the Central Government."*

2. Petitioner has challenged the order dated 14.05.2026 passed by the District Magistrate, Nainital,



regarding identification of land for relocation of High Court Complex at Nainital, as well as the consequential Full Court Resolution dated 19.06.2026. The proposal relates to approximately 73 hectares of forest land situated in Tarai-Central Forest Division, Rudrapur, near Bel Baba Temple (specifically located in plot no.47-48 of Lamachaur, Block of Bhakra range of the Tarai East Forest Division, Rudrapur) for the proposed relocation of the High Court Complex. Petitioner has questioned the proposed use of forest land in the light of provisions of the Forest (Conservation) Act, 1980, the Forest Conservation Rules, 2023 and the Consolidated Guidelines and Clarifications dated 29.12.2023. It is also stated that the identified area falls within 'elephant corridor' and that its diversion may have environmental implications.

3. At the outset it is submitted by learned counsel for petitioner that in the Full Court Resolution dated 19.06.2026, one of us being Senior Judge (Justice Manoj Kumar Tiwari) was one of the signatories, therefore, the petition should not be heard by this Bench. Since all the Judges of this High Court were signatory to the Full Court Resolution, the objection raised by petitioner is turned down and this Bench proceeded to hear this Writ Petition.

4. Learned counsel for the petitioner submits that the impugned order dated 14.05.2026 passed by the District Magistrate, Nainital, and the subsequent Full Court Resolution dated 19.06.2026 proposing relocation of the High Court Complex are contrary to the statutory scheme governing diversion of forest land. He submits that the proposed relocation of High Court of



Uttarakhand from Nainital is in violation of Notification dated 03.11.2000 issued by President of India under Section 26 of the Uttar Pradesh Reorganization Act, 2000. He further submits that the act of District Magistrate, Nainital and Full Court Resolution is in conflict with Section 2 of the Forest Conservation Act, 1980. It is submitted that the proposed site comprises approximately 73 hectares of reserve forest land in Tarai-Central Forest Division, Rudrapur, near the Bel Baba Temple. Learned counsel further submits that the proposed construction is a non-site-specific/non-forest purpose and, therefore, the forest land cannot be diverted or utilized without complying with the Forest (Conservation) Act, 1980, the Forest Conservation Rules, 2023 and the Consolidated Guidelines and Clarifications dated 29.12.2023. It is contended that neither the District Magistrate nor the authorities concerned have obtained the requisite prior approval of the Central Government, and the proposed reservation/diversion is consequently impermissible in law.

5. It is further submitted that Hon'ble Supreme Court vide order dated 15.07.2026 passed in SLP (Civil) No.12517/2024 "*High Court Bar Association vs. State of Uttarakhand & Ors.*" has directed the State Government to hand over the earmarked land for construction of the new building of the High Court on "as is where is" basis and the said order nowhere changed the nature of reserved forest land and therefore, the compliance of the relevant provisions is still mandatory. He further submits that it is mandatory for the user agency i.e. Hon'ble High Court of Uttarakhand in the present case, to abide by Rule 13 of Forest Conservation Rules, 2023 which mandates to provide land which is not a forest land in



place of de-reserved forest land and the user agency is also mandated to bear the cost of raising compensatory afforestation upon such provided land. He alleges that Rule 13 Forest Conservation Rules, 2023 has also not been complied with. Petitioner has relied upon Writ Petition (PIL) No.05 of 2021, *Reena Paul v. State of Uttarakhand & Others* in which this Court has held that “neither state, nor any authority is permitted to de-notify a reserved area or forest area, or to permit the use of the area for non-forest purposes until and unless the prior permission of Central Government is granted.”

6. It is also submitted that the proposed site falls within an area having significant ecological importance and forms part of identified elephant corridors, namely Kipula–Khatima–Surai Corridor and Gola Corridor. Diversion of such forest land for construction of the High Court Complex, according to learned counsel, would be contrary to the constitutional obligation to protect the environment and the directions issued by the constitutional courts.

7. Learned counsel further submits that no adequate consideration has been given to alternative sites and that the proposed relocation would entail substantial expenditure from the public exchequer despite the availability of existing infrastructure. He submits that under Article 48-A, the State is duty bound to endeavor, to protect and improve the environment and to safeguard the forest and wildlife of the country. Any proposed de-reservation or diversion of reserved forest land for non-forest use or non-site specific purpose runs contrary to Article 48-A. It is, therefore, submitted that the impugned actions warrant interference by this Court.



8. The learned counsel for the petitioner further submits that the District Magistrate, Nainital has committed an offence under Section 3-A of the Forest Conservation Act, 1989 as he has passed the impugned order dated 14.05.2026 without prior approval of the central government and hence he deserves to be prosecuted under Section 3-A of the said Act.

9. The learned Advocate General appearing for the State submits that the process of shifting of High Court premises to Haldwani is only at the stage of identification of land as of now and therefore he submits that the requisite permission and clearances shall be taken from the Central Government and Regional Empowered Committee at an appropriate stage. He further emphasized that the Hon'ble Apex Court in various judgments enunciated the principle of sustainable development and it is important not only for the litigants, practicing Advocates, High Court staff but also for the betterment of hill town of Nainital that the High Court be shifted to Haldwani in view of its exhausted load bearing capacity. The learned Advocate General after receiving instructions from the Learned Chief Standing Counsel and Learned Deputy Solicitor General appearing for Union of India apprised this Court that the proposed land is approximately 10 kilometers away from the alleged elephant corridor.

10. He further submits that the Uttar Pradesh Reorganization Act, 2000 nowhere mentions that the High Court of Uttarakhand shall be situate only at Nainital but it is only by Presidential Notification dated 03.11.2000, it was provided that High Court Of Uttarakhand shall be at Nainital. He further submits that



the word 'Nainital' is not prefixed or suffixed by any qualifying words and, therefore, it can naturally be assumed that the word 'Nainital' means the District Nainital. Therefore, even if the premises are shifted to Haldwani, it will not be in violation to the said Presidential Notification.

11. Learned Deputy Solicitor General of India, Mr. Lalit Sharma, on instructions submitted that as yet no proposal was submitted by the State Government regarding approval before the Regional Empowered Committee. He has further drawn the attention of this Court to annexure-4, page-40 of the writ petition wherein in Clause 19 Gola Corridor "no movement of elephant" is reported.

12. Learned counsel appearing for the High Court of Uttarakhand concurs with the submission made by learned Advocate General appearing for the State regarding the fact that the matter, at present, is only in the stage of identification of land and the requisite permissions and clearances will be taken later. He further brings to the attention of this Court that Rule 10(4) and 10(5) of the Van (Sanrakshan Evam Samwardhan) Rules, 2023, which lay down the procedure to be adopted for de-reservation of a particular portion of reserved forest land. In addition to it, a detailed timeline for the proposal to be sent to the Central Government and decision thereon has been enunciated in Schedule I to the Van (Sanrakshan Evam Samwardhan) Rules, 2023.

13. Learned counsel for the petitioner vehemently argued that the alleged inconvenience of the litigants is a vague idea which is not supported by any empirical study



and which in any case will be outweighed by the enormous burden on the State Exchequer on account of the relocation of the entire High Court. He further argued that the object and purpose of the Reorganization Act and the creation of the State Of Uttarakhand was development of the hill areas, and any proposal to relocate the High Court from a hilly region to non-hilly region is not inspired from the vision of 'Rajya Andolankaris'.

14. Having heard the submissions of learned counsel for the respective parties and after perusal of documents available on record and statutory provisions contained in Forest Conservation Act, 1980, Uttar Pradesh State Reorganization Act, 2000, the Presidential Notification and relevant rules contained in Van (Sanrakshan Evam Samwardhan) Rules, 2023 and also the judgment of Hon'ble Apex Court dated 15.07.2026 passed in SLP (Civil) No.12517 of 2024 "*High Court Bar Association vs. State of Uttarakahnd & Ors.*", this Court is of the considered opinion that the present writ petition is pre-mature as the matter is at the stage of identification of land. Therefore, prior approval of the Central government under Section 2 of the Forest (Conservation) Act, 1980 is not required as of now and the said permission can be taken as and when the stage of de-reservation of forest or use of forest land for non-forest purpose arises. It is nobody's case that forest land has already been de-reserved. Learned Advocate General has informed that the matter shall be placed before Regional Empowered Committee for approval in terms of Section 2(i) of the Forest (Conservation) Act, 1980. The relevant provision contained in Section 2 of Forest (Conservation) Act, 1980 is herein quoted below for ready reference:-



“2. Restriction on the dereservation of forests or use of forest land for non-forest purpose. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii)

(iv)

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants; (b) any purpose other than reafforestation; but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

15. This Court also finds force in the submission made by learned counsel of the High Court that presently the stage is of identification of land and Rule 10(2i) read with 10 (4) & (5) of Van (Sanrakshan Evam Samwardhan) Rules, 2023 mentions the timeline as well as procedure for de-reservation of land, which shall be followed by Regional Empowered Committee appointed by Ministry of Environment, Forest and Climate Change when the appropriate stage arises. The relevant provision is quoted hereinbelow for ready reference:

“10. In-Principle approval of the proposal.—

(2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

(i) dereservation;.....

(3).....

(4) Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee.

(5) The proposals received by the Central Government shall be examined in the following manner, namely:-



(i) all proposals under sub-rule (2) along with the site inspection report as required under sub-rule (4) or as asked by the Central Government, shall be referred, after examination of its completeness, to the Advisory Committee.

(ii) the Advisory Committee shall examine all proposals referred to it in clause (i), giving due regards, but not limited to, the following, and after further enquiry, as deemed necessary, shall make recommendation to the Central Government for consideration for approval:-

(a) the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason;

(b) the State Government or the Union territory Administration, as the case may be, has certified that it has considered all alternatives and that no other alternative in the circumstances is feasible and that the required area is the minimum needed;

(c) the State Government or the Union territory Administration, as the case may be, before making his recommendation, has considered all issues having direct and indirect impacts on the diversion of forest land on the forest, wildlife and the environment;

(d) concerned mandates under the National Forest Policy;

(e) whether adequate justification has been given and appropriate mitigation measures have been proposed by the State Government or the Union territory Administration, as the case may be, if the forest land proposed to be used for non-forest purposes forms part of a national park, wildlife sanctuary, tiger reserve, designated or identified tiger or wildlife corridor, or habitat of any endangered or threatened species of flora and fauna or of an area lying in the severely eroded catchment; and

(f) the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost or at the cost of the user agency the requisite extent of appropriate land, as per rule 13, for the purpose of carrying out compensatory afforestation.”

16. At this stage, the Court finds it appropriate to take into account preambular precepts of Justice- social, economic and political, along with Article 39-A and 46 which form part of Directive Principles of State Policy, which provide guiding light to the State to ensure equal justice and free legal aid and promote educational and economical interest of weaker sections of Society. At this stage, the Court takes judicial notice of lack of space and infrastructure in small tourist hill town of Nainital; connectivity issues and high cost of living in Nainital



which causes extra-ordinary financial burden upon litigants who come from marginalized sections of Society, problems faced by young advocates and staff of High Court and even for growth of High Court as an institution including increasing strength of Judges. The high cost of living at Nainital does not promote social and economic justice. Therefore, this Court is of the considered opinion that the present writ petition is devoid of merit and deserves to be dismissed as the petitioner has approached this Court at a premature stage as currently the forest land has not been de-reserved and it has only been identified as being suitable for shifting of High Court. The State Government has already assured that the due process of law shall be followed while shifting the premises of the High Court.

17. The contention of learned counsel for the petitioner based on 'elephant corridor' also is bereft of merit as learned Advocate General appearing for the State and Deputy Solicitor General appearing for Union of India have submitted before this Court that the proposed land is at a distance of 10 kilometers from the area which is shown as elephant corridor. This fact is also supported by the document annexed by the petitioner themselves. The contention of learned counsel for the petitioner that the High Court cannot be shifted to Haldwani as the Uttar Pradesh State Reorganization Act, 2000 prohibits doing so, also does not hold any water as the seat of High Court of Uttarakhand was stated to be at Nainital by a Presidential Notification and it can be changed by another notification as and when the appropriate stage arises. This Court is of the view that stage for issuing such a Notification has not yet arisen. As far as the prayer of petitioner to prosecute the District



Magistrate, Nainital under provisions of Forest Conservation Act, 1980 is concerned, the Court is of the view that the prayer is devoid of merit as no offence under Section 2 of the Forest Conservation Act, 1980 is committed by District Magistrate, Nainital on any other person.

18. Accordingly, the writ petition is dismissed.

19. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
03.09.2026

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