IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

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

WRIT PETITION (PIL) NO. 150 OF 2022

12TH OCTOBER, 2026

Shadab Ul Haq ..... Petitioner

Versus

State of Uttarakhand and others ..... Respondents

Counsel for the petitioner	:	Mr. Dushyant Mainali, learned counsel
Counsel for the respondents	:	Mr. Gajendra Tripathi, learned Standing Counsel for the State
	:	Mr. B.D. Pande, learned counsel for respondent No. 4
	:	Mr. C.K. Sharma, learned counsel for respondent No. 5
	:	Mr. Piyush Garg, learned Senior Counsel assisted by Mr. Ravi Shankar Kandpal, learned counsel for applicant in IA No. 12 of 2026

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Tiwari, A.C.J.)

1) Petitioner is a resident of Ramnagar, District Nainital. According to him, he is a cricket player and has participated in C.K. Naidu National Cricket Trophy,

Uttarakhand Premier League and National School Cricket Championship etc. According to him, the only playground in Ramnagar town which is available for sports activity is permitted to be used for commercial purpose by the management of Mathura Das Prasadi Lal Hindu Inter College as the playground land was leased out in favour of the said College by the State in the year 1935.

2) The reliefs sought in the writ petition are as follows :

i) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent Nos. 1, 7 and 8 to take immediate steps to effectively implement the provisions of The Uttar Prakesh Parks, Playgrounds and Open Spaces (Preservation and Regulation) Act, 1975 (applicable in Uttarakhand) and to publish list, with plans and maps, of all parks, playgrounds and open spaces in all urban areas of Uttarakhand and to maintain, regulate and preserve the same strictly in accordance with the provisions of the said Act of 1975 to achieve its objects.

ii) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to refrain from permitting any non-sports commercial activity/fun-fair on M.P.I.C. Sports Ground Ramnagar District Nainital which

is a public property managed by Respondent No. 4.

iii) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent Nos. 2 and 4 to take all immediate and effective steps to take over the management and to restore M.P.I.C. Sports Ground Ramnagar for sports activities, if the same is not governed by any effective lease.

iv) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent nos. 3 and 6 to immediately stop anti-social activities, drug paddling, drug addiction and open liquor consumption on M.P. Inter College Ground Ramnagar and to conduct regular police patrolling for the same."

3) Mr. B.D. Pande, learned counsel appearing for Nagar Palika Parishad, Ramnagar-respondent No. 4, however, submits that lease of land granted in favour of Mathura Das Prasadi Lal Hindu Inter College-respondent No. 5 expired in the year 1995 and, the land is now vested in the State and, Nagar Palika Parishad as caretaker of State properties, is entitled to manage the said property. Mr. Pande also refers to Section 7 of the Uttar Pradesh Parks, Playgrounds and Open Spaces (Preservation And Regulation) Act, 1975

(applicable in the State of Uttarakhand), which reads as under :

> “The local authority shall maintain in a clean and proper condition all parks, playgrounds and open spaces belonging to or vested in it and included on the list published under Section 3 or Section 4.”

4) A co-ordinate bench passed an order on 16.11.2022 restraining the College-respondent No. 5 from putting the playground to any other use except sporting activity.

5) Today, the matter is listed on an application filed by Secretary of “Sri Ramleela Committee, Ramnagar”, seeking permission to burn the effigy of ‘Ravana’ on the occasion of Dussehra slated to be held on 20.10.2026.

6) Learned counsel for the petitioner submits that the State Government is required to publish a list of parks, open spaces and playgrounds as per Provisions of the aforesaid Act, however, the list has not been published so far. He submits that there are hardly any open space left for sports activity for the youth in urban centres within State of Uttarakhand. He submits that the mechanism provided under aforesaid

Act has become ineffective due to non-publication of list of open spaces, parks and playgrounds by the State as required under the Act. He further submits that parks and playgrounds have to be preserved for the progeny, to ensure their physical and mental wellbeing.

7) Having regard to the facts and circumstances of the case, we dispose of the writ petition with direction to the Secretary, Urban Development, Government of Uttarakhand, to complete the exercise as contemplated in Section 3(1) of the aforesaid Act within six months from date of presentation of certified copy of this Order. Secretary, Urban Development shall publish a list in terms of Section 3(4) of the aforesaid Act within three months thereafter.

8) During the interregnum, we provide that the open space in question shall not be used for any purpose other than sporting activity, without prior permission in writing from the District Magistrate concerned.

9) The applicant in Misc. Application (IA No. 12 of 2026) shall be at liberty to approach the District Magistrate, Nainital for permission, as sought by him in the aforesaid misc. application.

10) The writ petition stands disposed of in aforesaid terms.

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

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 12TH OCTOBER, 2026
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