

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

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR  
AND  
HON'BLE SRI JUSTICE ALOK MAHRA

**WRIT PETITION (M/B) NO. 96 OF 2025**

**23<sup>RD</sup> APRIL, 2025**

Thakurji Enterprises & another ..... Petitioners

Versus

State of Uttarakhand & others ..... Respondents

**WITH**

**WRIT PETITION (PIL) NO. 31 OF 2012**

**WRIT PETITION (PIL) NO. 83 OF 2023**

**WRIT PETITION (PIL) NO. 178 OF 2023**

**WRIT PETITION (PIL) NO. 209 OF 2023**

**WRIT PETITION (M/B) NO. 93 OF 2025**

**WRIT PETITION (M/B) NO. 98 OF 2025**

**WRIT PETITION (M/B) NO. 101 OF 2025**

**WRIT PETITION (PIL) NO. 93 OF 2022**

**Presence :-**

*Mr. A.S. Rawat, learned Senior Counsel assisted by Mr. D.S. Mehta along with Mr. Shiv Pandey, Mr. Karthik Jayashankar, Ms. Shruti Joshi, petitioner party-in-person; Mr. Nikhil Bhatt, learned counsel for the petitioners.*

*Ms. Medha Pande, learned Amicus Curiae through video conferencing Mr. C.S. Rawat, learned Chief Standing Counsel with Mr. Gajendra Tripathi, learned Standing Counsel for the State.*

*Mr. Manoj Kumar, learned Standing Counsel for the Union of India in WPIL No. 31 of 2012.*

*Mr. Mr. D.S. Patni, learned Senior Counsel assisted by Mr. B.S. Bisht, learned counsel for respondent Nagar Palika.*

*Mr. Piyush Garg, learned counsel for the Hotel Association.*

*Mr. Sandeep Kothari, learned counsel for the Lake Development Authority.*

*Ms. Mamta Bisht, learned Counsel for the Kumaun University.*

*Mr. Jagdish Singh Bisht, learned counsel for the IIM.*

**The Court made the following:****ORDER:** (per Hon'ble The Chief Justice Sri G. Narendar)

1. We have heard the learned counsel for the petitioners and the learned Senior Counsel Mr. D.S. Patni along with Mr. Bhupendra Singh Bisht, learned counsel for the Nagar Palika Parishad, Nainital.

2. Having heard the counsels, we are of the opinion that the town of Nainital being uniquely placed and housing the High Court of the State of Uttarakhand, and there being not only commercial traffic but also huge tourist traffic, the demand on the infrastructure, and more particularly, the roads is enormous. The impact of this unregulated flow of vehicles and the impact of vehicles stagnating in the traffic jams on the hill side, that is, on the ghat roads, and also on the roads within the town, needs to be assessed.

3. In that direction, we are of the opinion that the Central Road Research Institute, Headquartered in Sukhdev Vihar, Okhla Industrial Estate, New Delhi, needs to be brought on board in order to take their expert opinion. Hence, the Central Road Research Institute is directed to be arrayed as party respondent No. 15.

4. That apart, we have come across a judicial order and also bye-laws of the Development Authority which appears

to be an offshoot of the order passed in a Public Interest Litigation. The order passed and the restriction imposed under the bye-laws appears to be on account of clear misreading of the direction issued in the Public Interest Litigation.

5. That apart, we find that there are no scientific basis for the prohibition and, hence, we deem it necessary to bring on board the Central Building Research Institute, Roorkee as a party respondent to frame appropriate guidelines and suggest appropriate building bye-laws based on a scientific reading and assessment of soil capacity of Nainital town. Hence, the Central Building Research Institute, Roorkee is arrayed as a party respondent No. 16.

6. A copy of the orders passed in WPPIL No. 31 of 2012, and copies of the various affidavits and applications filed in the connected writ petitions also be furnished to the newly arrayed respondents.

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7. The learned Senior Counsel appearing for the Nagar Palika Parishad, Nainital, Mr. D.S. Patni would submit that there is an urgent need for a direction to the police to provide protection to the Palika officials to carry out the garbage segregation and transit of garbage from Narain

Nagar site. That some of the villagers are putting up a stiff resistance and are creating a nuisance to the Palika activity.

8. Having heard the learned Senior Counsel it needs to be appreciated that the issue of garbage segregation at the collection point is next to impossible without machinery and attempting to do it with human hands is a horrendous task which cannot be completed by the end of the day also. The only alternative would be ensuring garbage segregation at source or at doorstep. The Palika shall design and shall procure bins fitted with wheels which can be placed at street corners. Prior to placing the same, the Palika shall introduce a "Three Bin Policy", namely, segregation of wet waste, dry waste and plastic waste. The Palika shall also provide a separate collection bin in the hospitals for collection of hazardous / medical waste. Apart from the three bins, the hospitals and the medical centers shall be provided with an additional fourth bin for collection of medical / hazardous waste. The bins shall be of four colours. The "Three Bin Policy" for residential and commercial establishments shall be – a red colour bin for plastic waste; a blue colour bin for wet waste; a green colour bin for dry waste, and a yellow colour bin for the medical centers and medical establishments for collection of medical / hazardous waste. The Palika shall also design

and purchase bins and issue the three bins to all households, and bins of larger size to commercial establishments. The Palika shall ensure collection of wet waste on every alternate day, and collection of dry waste and plastic waste twice a week. The staggering of the garbage collection is to ensure that the persons tasked with collecting the garbage do not indulge in the mischief of mixing the segregated waste. That apart the person collecting wet waste shall not collect the dry & plastic waste and vice-versa. The Palika shall engage & deploy separate set of workers to execute the above tasks.

9. Mr. Rajesh Sharma, Central Government Standing Counsel is directed to take notices on behalf of respondent Nos. 15 and 16.

10. We also request the learned Chief Standing Counsel Mr. C.S. Rawat to use his good offices with the Government and arrange for funds to purchase and distribute the dustbins as suggested by this Court.

11. The issue with regard to the Narain Nagar transit point, we direct the Senior Superintendent of Police, Nainital to call the villagers and conduct a public hearing and facilitate the Palika officials to explain the process that would be undertaken, i.e., shifting of the contents of the bins into bigger vehicles that are prohibited entry into

Nainital town, and also ensure protection to the Palika officials and also to the facility that the Palika intends to come up with.

12. The Local Bodies in the tourist towns like Nainital, Bhowali, Kainchi Dham etc. shall explore and implement, on an urgent basis, installation of bio-toilets, especially where there is congregation of tourists and also at places populated by the lower strata of the society in order to maintain hygiene and prevent any outbreaks.

13. That apart, the State, more particularly, the Chief Secretary shall look into and explore the possibility of creating bypasses to the thickly populated town like Haldwani, and also bypass to the Bhowali town in order to divert onward traffic to Haldwani without entering Bhowali, and also eliminating the need to pass through the congested place of Kainchi Dham. The local authorities shall also identify internal roads that connect the main artery in order to utilize them for diversion of traffic in times of high density of traffic. The Chief Secretary may also direct the concerned authorities to explore the widening of choking points in Haldwani town in order to facilitate smooth flow of traffic. The Chief Secretary may also explore and suggest to the Court measures to utilize the H.M.T. property in Haldwani for the purpose of creating a parking facility and a terminal for the Palika run or

administration run shuttle services, from Haldwani to various tourist destinations viz. Kanchi Dham, Mukteshwar, Naukuchiatal, Bhimtal, etc..

13. The centralized parking facility to be created in HMT ground be provided with adequate armed security to vehicles which shall be parked there. The parking facilities would be provided with CCTV cameras and armed sentries to prevent miscreants from trying to steal auto-parts or cause damage to the vehicles.

14. We suggest this measure in order to decongest the roads which would automatically result in fall in the number of accidents also. The congestion and traffic jams on congested roads is a recipe for disaster, hence, we believe that the Chief Secretary and the State would appreciate the true intent and spirit with which the orders are made.

15. Copy of this order be circulated to the Chief Secretary, and also to the Secretary (Home), Secretary (Tourism); Secretary (Public Works Department), Secretary (Transport), Secretary (Housing and Urban Development), the District Magistrate, Nainital.

16. The papers in WPPIL No. 174 of 2013 be put up.

17. Meanwhile, we direct the Registry to collate all the papers and prepare a soft copy.

18. We also direct the Secretary, Public Works Department, to work in collaboration and in cohesion with the District Administration, to explore the widening of the road from the Palika Office point till the DSA parking, and also till Metropole and Cheena Baba point. The creation of this infrastructure would ease the traffic congestion as the number of residents accessing the stadium, the temple, the gurdwara and the mosque is quite huge, and schools and colleges also being nearby, the chances of accidents having increased, the police have now turned the road into a one-way making it cumbersome for students and other residents to reach their homes in that part of the area. The extension of the road may be considered onto the DSA playground, and the P.W.D. may also explore the concern for an elevated pedestrian facility.

19. List the matter on 13.05.2025.

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**G. NARENDAR, C.J.**

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**ALOK MAHRA, J.**

Dt: 23<sup>RD</sup> APRIL, 2025

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