

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	03.06.2026		<p>WPIL No. 121 of 2025</p> <p>Lalit Miglani --Petitioner</p> <p style="text-align: center;">Versus</p> <p>State of Uttarakhand and others --Respondents</p> <p><u>Hon'ble Manoj Kumar Gupta, C.J.</u></p> <p><u>Hon'ble Subhash Upadhyay, J.</u></p> <p>1. Sri Pankaj Miglani and Sri Aakib Ahmed, learned counsel for the petitioner.</p> <p>2. Sri B.P.S. Mer, learned Standing Counsel for the State of Uttarakhand.</p> <p>3. Sri D.S. Patni, learned Senior Counsel assisted by Sri Bhupendra Singh Bisht, learned counsel for respondent Nos. 3 & 4.</p> <p>4. Sri Ravi Bisht, learned counsel holding brief of Sri Aditya Pratap Singh, learned counsel for respondent No. 6.</p> <p>5. Sri V.K. Kaparuwan, learned counsel for respondent No. 7.</p> <p>6. Sri Prabhakar Narain, learned counsel for the applicant (Impleadment Application No. 4 of 2026).</p> <p>7. Ms. Abhilasha Tomar, learned counsel for respondent No. 8.</p> <p>9. In compliance of our previous order dated 06.05.2026, Compliance Affidavits have been filed by respondent No. 3 and respondent Nos. 9 & 10.</p> <p>10. In the Compliance Affidavit, filed by respondent No. 3 i.e. the Executive Officer, Nagar Palika Parishad, Nainital, District Nainital, it is stated that Nagar Palika has taken several steps to ensure that no horse-dung flows into the lakes of Sariatal and Khurpatal. The steps, which are stated to have been taken, have been disclosed in Paragraph-2 as follows:-</p> <p style="text-align: center;"><i>“2. That the deponent respectfully submits that the Nagar Palika is taking due care that no horse dung reaches the lakes of Sariatal and Khurpa. For the said purpose the deponent has taken the following among other steps:-</i></p> <p style="text-align: center;"><i>(i) The horse dung emanating from the horses stationed at Barapathar is being cleaned efficiently by earmarking staff at</i></p>

Barapathar who will keep timely cleanliness drives at Barapathar area. Sufficient dustbins have been installed at Barapathar and day to day inspection is being personally being done by the deponent to ensure cleanliness and that no horsedung enters the aforesaid lakes.

(ii) In order to gradually lower the horse licences, the Nagar Palika Parishad is not renewing the licence after the death of the horse or after the death of its owner. The said procedure is strictly will be follow and same would ensure that gradually the number of horses would come down.

(iii) Since the Nagar Palika's jurisdiction only comes upto Narayannagar and does not extend to Khurpatal, the deponent is taking all the steps so that no litter, horse dung and garbage etc. enters the lakes by keeping the area above Khurpatal clean.

(iv) That in this regard, the Chief Sanitary Inspector has constituted a team for getting the cleanliness drive in the Narayan Nagar Ward and carried out cleaning of the litter and other dung etc. In this regard, the true copy of the report given by the Chief Sanitary Inspector dated 06-05-2026 is marked and annexed alongwith photographs is marked and annexed as ANNEXURE NO. C-1.”

11. In respect of the stand taken under sub-para (III), Sri Pankaj Miglani, learned counsel for the petitioner, submits that the Nagar Palika, admittedly, has jurisdiction upto Narain Nagar and, therefore, it should identify vending zones and make adequate arrangements for disposal of garbage.

12. In the Compliance Affidavit, filed by respondent Nos. 9 & 10, it is stated that after the order of this Court, twice inspections were made on 16.05.2026 and 23.05.2026 and all encroachments from the catchment areas of Sariya Tal and Khurpa Tal have been removed. It is also stated that in pursuance of the order of the District Magistrate, Nainital dated 19.05.2026, a Committee, under the chairmanship of Sub Divisional Magistrate, has been constituted so that it keeps a continuous surveillance over the stretch from Bara Patthar to Khurpa Tal. It is further stated that during the inspection on 23.05.2026, the Committee did not find any temporary stalls to be operational within the catchment area.

13. An Impleadment Application (IA No. 4 of 2026) has been filed by four persons, who claim to be operating mobile food vans. Their grievance is that they have also been removed by the Administration, although the same is the only source of their livelihood.

14. Admittedly, the aforesaid two lakes are frequently visited by tourists, particularly during the tourist-season. The tourists would also require adequate facilities for fooding and other conveniences, and we are of the opinion that for the said purpose, the Nagar Palika Parishad and the Panchayat within whose jurisdiction the aforesaid two lakes fall should identify vending zones, provide for a policy for licensing of vendors in the said area and ensure that wastes and garbage are removed on a regular basis, so that the tourists visiting the two lakes are not put to any inconvenience and at the same time, the livelihood of the marginalised sections, who are carrying on petty business of selling food and other items, are not affected.

15. Accordingly, we direct the Nagar Palika Parishad, the District Magistrate and the Gram Panchayat to identify the vending zone(s), frame proper scheme for licensing and removal of garbage and sanitation of the area and place the same before the Court on the next date.

16. Ms. Abhilasha Tomar, learned counsel for respondent No. 8 states that she has filed her counter-affidavit in the Registry today.

17. Let the same be traced-out and placed on record.

18. She further prays for two weeks' time to file objection to the Intervention Application (IA No. 2 of 2026). The same is allowed. She is granted two weeks' time to file the objection to the said application.

19. List in the week commencing 29.06.2026.

(Subhash Upadhyay, J.)

03.06.2026

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(Manoj Kumar Gupta, C.J.)

03.06.2026