



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON’BLE THE CHIEF JUSTICE SRI G. NARENDAR

AND

HON’BLE SRI JUSTICE SUBHASH UPADHYAY

28 November, 2025

Writ Petition (PIL) No.129 of 2024

Firoz Khan -----Petitioner

versus

State of Uttarakhand & Others -----Respondents

With

Writ Petition (PIL) No.204 of 2024

Raghunath Singh Negi -----Petitioner

versus

State of Uttarakhand & Others -----Respondents

Presence:-

1. Mr. Piyush Garg, learned counsel for the petitioner in WPIL No.129/2024.
2. Mr. Yogesh Kumar Pacholia, learned counsel for the petitioner in WPIL No.204/2024.
3. Mr. S.N. Babulkar, learned Advocate General (through V.C.) with Mr. A.P. Singh, learned Addl. A.G., Mr. C.S. Rawat, learned C.S.C., Mr. B.S. Parihar, learned Addl. C.S.C. and Mr. Navin Tiwari, learned Standing Counsel for the State of Uttarakhand.
4. Mr. Vinay Kumar, learned counsel for UJVNL.
5. Mr. Ramji Srivastava, Mr. Shankar Agarwal and Mr. Ashish Agarwal, learned counsel for the application (IA No.2/2025).

ORDER: (per Sri Subhash Upadhyay, J.)

1. Heard Mr. Piyush Garg, learned counsel for the petitioner in WPIL No.129/2024; Mr. Yogesh Kumar Pacholia, learned counsel for the petitioner in WPIL



No.204/2024; Mr. S.N. Babulkar, learned Advocate General (through V.C.) and Mr. C.S. Rawat, learned C.S.C. appearing for the State of Uttarakhand and Mr. Vinay Kumar, learned counsel for UJVNL.

2. Compliance affidavits have been filed by Dr. Ranjit Kumar Sinha, Secretary, Public Works Department and Shri Yugal Kishore Pant, Secretary, Irrigation.

3. Secretary, Irrigation, in its affidavit dated 13.10.2025, has stated in para-15 that the Irrigation Department bears no responsibility whatsoever for the operation, repair, or maintenance of the said roads or bridges. Para-15 of the affidavit is quoted as under:-

"15. That as per the aforementioned correspondences and transfer orders, the entire stretch comprising nine (9) bridges and approximately 18.09 kilometers of service roads formally handed over to the Public Works Department, Dehradun as of 13.08.2025. Consequently, the Irrigation Department bears no responsibility whatsoever for the operation, repair, or maintenance of the said roads or bridges. It is further submitted that, in terms of Government Order No.1169/11(2009)-03(45)/2009 dated 21.04.2010, the operation and maintenance of the Dakpathar Barrage (including the Dhakrani and Dhalipur Power Houses), Asan Barrage (including the Kulhal Power House), Head Regulators, Kash Regulator, Powerhouse



Canal, and other associated structures have, since then, remained under the jurisdiction and control of Uttarakhand Jal Vidyut Nigam Limited (UJVNL)."

4. Secretary, Public Works Department, in para-3 of the compliance affidavit dated 29.09.2025, has made the following submissions:-

"3. That in compliance of the oral directions issued by the Hon'ble Court, it is submitted that the work of retrofitting of 42 m span RCC Skew Bridge located at Dhalipur Power Channel (Shakti Nahar) in Vikasnagar Assembly constituency has been completed by the department on 11.02.2025 and the Bridge Load test has been conducted by "ASCOM BUILDCON PRIVATE LIMITED" (A Specialized Engineering & Construction Company) and the company has also issued a certificate in this regard to the Executive Engineer, Construction Division, PWD, Dehradun on 13.02.2025. As per the issued certificate, the said Skew Bridge is fit for plying of heavy vehicles. In this regard, the Executive Engineer, Construction Division, PWD, Dehradun and Superintending Engineer, Ninth Circle, Public Works Department Dehradun also issued a certificate on 24.9.2025, mentioning that as per the said Bridge Load Test, the Skew Bridge is fit for plying of the heavy vehicles for Class A Single Lane Loading (more than 7000 Kg.)"

5. In view of the submission made by Secretary, PWD in para-3 of the compliance affidavit, we permit the plying of vehicles on 42 m span RCC Skew Bridge located at Dhalipur Power Channel (Shakti Nahar) in



2025:UHC:10419-DB

Vikasnagar Assembly constituency, for a period of one year. However, it is made clear that the Secretary, PWD, Secretary, Irrigation, Managing Director, UJVNL, ASCOM BUILDCON Private Limited, Executive Engineer, Construction Division, PWD and Superintending Engineer, Ninth Circle, PWD shall be responsible for any mishap that occurs on the said Skew Bridge.

6. Mr. Shankar Agarwal, learned counsel for the applicant prays leave to withdraw the IA No.2/2025.
7. Submission is placed on record.
8. IA No.2/2025 is dismissed as withdrawn.
9. List on 30.12.2025.

(G. NARENDAR, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 28.11.2025

Rajni