
(2015) 02 OHC CK 0021
In the Orissa High Court
Case No : Writ Petition (C) No. 6728 of 2008

Bimalkanti Ghose

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 11-02-2015

Acts Referred:

Citation : (2015) 1 OLR 586

Hon'ble Judges : S.K. Sahoo, J.; Vinod Prasad, J.

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Here is a case where the petitioner, though planted teak trees on his land, he is unable to cut and remove the same. Initially his land was brought within the purview of protected sanctuary. But later on, the Government of Odisha de-notified the area from the protected sanctuary. Therefore, the land on which teak trees have been planted is now a free land. Initially when the writ petition was taken up learned Additional Standing Counsel made a statement before the Court that since the land have been de-notified and proposal to that effect has already been made he is not to contest the matter as it relates to Union of India who is to contest. On such statement, we directed the counsel for the Central/Union Government to appear before us. Time was granted to the Union to verify the position, and after some adjournments, the matter has been listed today.

2. When the writ petition is taken up, on behalf of Mr. A.K. Bose, learned Assistant Solicitor General representing the Union of India a statement was made by Mr. P.K. Das, Advocate that a Union Government has got no objection in cutting and removal of the trees by the petitioner from his land. We record such a statement in this order that the Union of India does not have any objection in cutting of the teak trees planted by the petitioner on the land in question and removal of the same.

3. In view of the aforesaid facts and circumstances, since we find that the State

Government has de-notified the area over which the teak trees are standing from the purview and definition of protected sanctuary and since the Union of India does not have any objection in cutting and removal of the trees, we allow the writ petition. Petitioner-Bimal Kanti Ghose is entitled to cut the trees and remove the same from the land. In case any difficulty is created, the Superintendent of Police of the concerned district is directed to assist the petitioner in the matter of cutting and removal of the trees. We also record that there is no notification by the Union Government bringing the land in question within the protected sanctuary and hence the land in question is a free land.