

(2010) 12 SHI CK 0068
In the High Court Of Himachal Pradesh
Case No : CWP No. 822 of 2005

BunduKhan

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 14-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0068

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Judgement

Surjit Singh, J.—Present writ petition has been filed, seeking issuance of a direction to the respondents, i.e. State of Himachal Pradesh and its functionaries in the Forest Department, to grant permission for felling of Khair trees, standing on the private land of the petitioner. It is alleged in the petition that felling sought by the petitioner is in accordance with 10 year felling programme and that though several actions have been taken by the respondents, on his application for grant of permission, but marking of trees has yet not been done nor has the final permission been granted.

2. Plea taken, on behalf of the State and its functionaries, is that on account of blanket ban imposed by the Hon"ble Supreme Court, on felling of trees, both from the Government forest and private land, permission has not been granted in favour of the petitioner. Now the Hon"ble Supreme Court is stated to have partially lifted the ban, vide order dated 8.5.2009 in IA No .2370 of 2008, read with order dated 30.10.2009, passed in IA No. 2348-49 in W.P(C) No. 202 of 1995 and SLP(C) No. 26329 of 2008, in respect of Khair trees standing on privately owned non-forest areas, subject to certain conditions mentioned in the said order dated 30.10.2009.3.

3. In view of above stated position, the present writ petition is disposed of, with a direction to the respondents to pass appropriate orders on the application of the petitioner, for grant of permission to fell Khair trees from his privately owned land, taking into account orders dated 8.5.2009 in IA No. 2370 of 2008 and

order dated 30.10.2009 in IA No. 2348-49, referred to hereinabove. Final decision in the matter shall be taken by the respondents within two months.