

(1975) 11 SHI CK 0002
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 116 of 1970

Kewal Ram Chauhan

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-11-1975

Acts Referred:

Constitution of India, 1950 — Article 226
Forest Act, 1927 — Section 62, 63, 68, 82

Citation : (1975) 4 ILR HP 733

Hon'ble Judges : R.S. Pathak, C.J

Bench : Single Bench

Advocate : Chhabil Dass, for the Appellant; B. Sita Ram, General, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Pathak, C.J.—The Petitioner was apprehended illicitly felling two trees in a Government forest. He admitted the offence and express readiness to pay damages. A sum of Rs. 1128/- was assessed as damages. The Respondents then initiated proceedings for recovery of this sum as arrears of land revenue. Against those recovery proceedings the Petitioner has now applied for relief under Article 226 of the Constitution.

2. The learned Advocate-General has placed (he original record before me, and it is apparent from a perusal thereof that the sum of Rs. 1128/- has been assessed as damages. The contention of learned Counsel for the Petitioner is that the amount was sought to be recovered as arrears of land revenue u/s 82 of the Indian Forest Act (as amended for the State of Himachal Pradesh) and that the said provision does not permit recovery of damages as arrears of land revenue. The contention is without substance. Section 82 of the Act does contemplate the recovery of compensation payable under the Act as arrears of land revenue. Section 82 declares, inter alia, that all compensation awarded to the State Government under the Act may, if not paid when due, be, recovered under the

law for the time being in force as if it were an arrear of land revenue. Section 68 provides that the State Government may, by notification in the Official Gazette, empower a Forest Officer to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence, other than an offence specified in Section 62 or Section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed and when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer. According to paragraph 4 (a) of the return filed by the Respondents, the Chief Conservator of Forests and the Divisional Forest Officer, Simla Forest Division, have been empowered to assess the price and compensation of the illicitly felled trees by a notification No. Ft. 43-286/49, dated January 8, 1962, of the Secretary (Forests) to the Himachal Pradesh Administration. According to the Petitioner himself the assessment of damages was made by the Chief Conservator of Forests. Plainly, the Chief Conservator of Forests acted within the powers entrusted to him. The amount of compensation was assessed under the Act and, therefore, action could be taken u/s 82 of the Act for recovery of the amount.

3. No other point has been pressed before me.

4. This writ petition fails and is dismissed with costs which I assess at Rs. 100/-.