

(2017) 07 RAJ CK 0054
In the Rajasthan High Court
Case No : 12878 of 2015

Kisaan Sangharsh Samiti

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 21-07-2017

Acts Referred:

Citation : (2017) 07 RAJ CK 0054

Hon'ble Judges : Gopal Krishan Vyas, Manoj Kumar Garg

Bench : DIVISION BENCH

Advocate : Vikas Balia, Rajesh Panwar, A.K. Rajvanshy, V.D. Dadhich, D.P. Dhaka

Final Decision : Disposed

Judgement

1. In the instant writ petition filed by petitioner- Kisaan

Sangharsh Samiti in public interest following relief(s) are sought:

"It is, therefore, humbly prayed that this petition in the form of Public Interest Litigation may kindly be allowed. By issuing an appropriate writ, order or direction:

a) The Notification dated 27.02.2013 (Annex-1) may kindly be quashed and set aside.

b) Issue appropriate writ, order or direction in the nature of mandamus directing the Respondent authorities to de-notify the area which has been notified by the notification dated 27.02.2013 (Annex-1).

c) Issue appropriate writ, order or direction in the nature of mandamus directing the Respondents authorities not to extend the area of "Jawai Baandh leopard Conservation Reserve" and not to declare and notify the "Jawai Baandh Conservation cum Community Reserve."

d) To pass such other orders and further orders as may be deemed fit and necessary on the facts and in the circumstances of the case.

e) Award the costs of the petition to the petitioner."

2. The main grievance of the petitioner- Samiti is that without proving an opportunity of hearing to the citizens of the area in question, the area of land in question has been extended and notified the same as "Jawai Bandh Conservation cum Community Reserve".

3. Learned counsel for the petitioner invited our attention towards the document (Annex.19) and submit that a Committee was constituted by the Deputy Conservator of Forest, Wild Life, Udaipur, in which along with forest authorities, hoteliers were included as member, whereas proper representation has not been given to the residents of the area to advice for reserving the land.

4. Learned Addl. Advocate General, Mr. Rajesh Panwar, appearing on behalf of respondent- State submits that respondent- State is ready to hear the objections and submissions made by the petitioner- Samiti in this petition for the purpose of declaring the area as ?Jawai Dam Community Reserve. Therefore, the petitioner Samiti may submit all its objections before the State Government raised in the present writ petition and will be considered and decided in accordance with law.

5. After considering the prayer made by the Samiti as well as submissions made by the respondent, the respondent State Government is directed to reconstitute an Advisory Committee in which no private persons should be included and in the advisory committee and Government officials may be included, none else.

6. The said Committee shall provide opportunity of hearing to the petitioner Samiti and residents of the area and consider the decision of respective Gram Panchayat(s) for the purpose of extending the area for ?Jawan Dam Community Reserve. In case any grievances remains upon advice of the committee, the

petitioner Samiti may file its objections before the State Government and the State Government shall decide those objections prior to taking any final decision for the purpose of extending the area in question.

7. With these observations and directions, the writ petition is disposed of.