
(2021) 05 SHI CK 0144
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1932 Of 2021

Shahid Khan

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 19-05-2021

Acts Referred:

Citation : (2021) 05 SHI CK 0144

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Imran Khan, Anjana Khan, Somesh Raj, Dinesh Thakur, Divya Sood

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this writ petition, the petitioner has prayed for the following reliefs:

â??(i) That a writ in the nature of mandamus may kindly be issued against the respondents, more particularly, the respondent No. 2 to issue

export/sell permission orders with respect to demarcated/marked trees from the land of private owners details whereof is given in Annexures already

annexed with the petition which has been kept at temporary registration Depot Banlag, Tehsil Rajgarh, District Sirmaur, H.P. to M/s Doon Katha

Industries, Miserwala, Tehsil Nahan, District Sirmaur, H.P. in a time bound manner.

(ii) That the respondents may kindly be directed to produce the entire record pertaining to the case of the petitioner for the kind perusal of this

Honâ??be Court.

(iii) Any other relief which this Honâ??ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be passed in

favour of the petitioner.â??

2. A perusal of the petition demonstrates that the petitioner, who claims himself to be the Special Power of Attorney holder of some of the forest

produce owners in the State of Himachal Pradesh in Rajgarh Forest Division, has filed the present writ petition for the reliefs already enumerated

hereinabove.

3. Reply to the petition filed by the respondents, inter alia, demonstrates that the Permit has been kept on hold by the Department concerned, as

certain complaints have been received against the petitioner from the owners of the forest produce that he has not made the full payments to the

private land owners.

4. Learned counsel for the petitioner submits that all due payments have been made to the forest produce owners and the petitioner has also appended

receipts in this regard alongwith the rejoinder, which is not on record.

5. Be that as it may, as is apparent and evident from the tone and tenor of the pleadings as well as the submissions made at the Bar, the petitioner has

purchased the forest produce from the owners of the forest produce and has also obtained their Special Power of Attorneys and thereafter

approached the authorities concerned for grant of felling permission etc. under the 10 years felling programme.

6. In the considered view of the Court, all this is in flagrant violation of the provisions of The Himachal Pradesh Forest Produce (Regulation of Trade)

Act, 1982, in terms whereof, after coming into force of the said Act, no owner of the forest produce can effect sale of any forest produce to a person

other than the State Government or its agent and similarly, no person other than the State Government through its authorized officer or agent shall

purchase forest produce from any owner.

7. Faced with this situation, learned counsel for the petitioner submits that he may be permitted to withdraw this petition, so that the land owners can

themselves approach the Court by way of appropriate petition. Petition is permitted to be withdrawn, with liberty as prayed for. Miscellaneous

applications, if any, also stand disposed of.