
(2012) 03 SHI CK 0442
In the High Court Of Himachal Pradesh
Case No : CWP No. 11139 of 2011-D

Shiv Dayal

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 03-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0442

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Judgement

Rajiv Sharma, Judge

1. Petitioner earlier approached this Court for the redressal of his grievance by way of C.W.P. No. 1363 of 2011. The same was disposed of by this Court on 8th July, 2011. In sequel to the judgment rendered by this Court in the above cited writ petition, the Principal Chief Conservator of Forests, Himachal Pradesh has rejected the case of the petitioner on 13th September, 2011. However, fact of the matter is that the D.F.O., Nachan has favourably recommended the case of the petitioner vide Annexure P-9 on 02.06.2010. This communication dated 02.06.2010 has not been taken into consideration by the Principal Chief Conservator of Forests while taking the decision vide Annexure P-11, dated 13.09.2011. The Principal Chief Conservator of Forests ought to have taken into consideration the recommendations made by D.F.O., Nachan while taking the decision vide Annexure P-11, dated 13.09.2011. Accordingly, in view of the observations and discussions made hereinabove, the writ petition is allowed. Annexure P-11, dated 13.09.2011 is quashed and set aside. The Principal Chief Conservator of Forests, Himachal Pradesh is directed to decide the case of the petitioner afresh after taking into consideration the recommendations made by the D.F.O., Nachan within a period of six weeks from the date of production of a certified copy of this judgment by the petitioner. Mr. Surinder Saklani, learned counsel for the petitioner submits that the similarly situate persons have already been granted felling permission. If that be so, this aspect shall also be taken into

consideration by the Principal Chief Conservator of Forests, Himachal Pradesh while taking a decision in the matter. Pending application(s), if any, also stands disposed of. No costs.