

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17149 of 2025

Decided on: 24.12.2025

Chet Ram	...	Petitioner
Versus		
State of Himachal Pradesh & others	...	Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹Yes

For the petitioner	:	Mr. Ankush Dass Sood, Senior Advocate, with Mr. Vivek Thakur, Advocate.
For the respondents	:	Mr. Pushpinder Jaswal, Additional Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

- “i. That, the impugned order dated 11.07.2025 (Annexure P-10) may kindly be quashed and set aside.*
- ii. That, the (Annexure P-16) rejection order of the appeal passed on 08-10-2025 may kindly be quashed and set aside in the interest of justice.*
- iii. That, the respondents be directed to verified the stock of the petitioner pertaining to the Cheel and Kail as purchased from the Forest Depot which is available in the stock register.”*

2. The petitioner is aggrieved by order dated 11.07.2025

¹ Whether reporters of the local papers may be allowed to see the judgment?

(Annexure P-10), in terms whereof, the licence of Saw Mill granted in favour of the petitioner has been suspended, as also order dated 08.10.2025 (Annexure P-16), in terms whereof, the prayer of the petitioner to suspend the operation of suspension order has been rejected.

3. The case of the petitioner is that it was registered under the Himachal Pradesh Forest (Sale of Timber) Act, 1968 and Himachal Pradesh Forest (Sale of Timber) Rules 1969, as a Saw Mill. The initial registration of the Saw Mill was in the month of July, 1996 and, thereafter, on 18.03.2005 and subsequently, the same has been renewed by the Authority concerned from time to time.

4. According to the petitioner, in terms of the suspension order, the Saw Mill of the petitioner was erroneously suspended without taking into consideration the record of the petitioner, which categorically suggests that there is no violation of any law or rules by the petitioner. The petitioner is further aggrieved by the order passed by the Appellate Authority, in terms whereof, appeal filed praying for stay of the suspension order, has been rejected.

5. When this case was heard by this Court yesterday, the Court called upon the learned Senior Counsel for the petitioner as well as learned Additional Advocate General to refer to the relevant

Statutory Provisions or Rules and Regulations which confer the power upon the Authority to suspend the licence of a Saw Mill. For this purpose, the case was ordered to be listed today. Today, the Court has been apprised by the learned Additional Advocate General that needful has been done by the Authority in terms of the Himachal Pradesh River Rules, 1971. He has referred to Rule-16 thereof and submitted that the licence of the petitioner has been suspended under Rule -16.

6. Having gone through Rule-16 of the Himachal Pradesh River Rules, 1971, this Court has no hesitation in holding that suspension of licence of the petitioner is *per se* bad and not sustainable in the eyes of law. This is for the reason that Rule-16 (supra) confers the power upon the Divisional Forest Officer to cancel the permission granted or registration done under Rule-14, if he satisfies that the Saw Mill is indulged in unauthorised activities or has not maintained the record required under the Rules. However, this Rule does not confers any power upon the Authority to suspend the licence. Therefore, the power of suspension which has been exercised by the Authority is without any jurisdiction and is an arbitrary exercise of power at the behest of the Competent Authority.

7. Accordingly, in light of the above observations, this writ

petition is allowed. Order dated 11.07.2025 (Annexure P-10), in terms whereof, the licence of Saw Mill granted in favour of the petitioner has been suspended, as also order dated 08.10.2025 (Annexure P-16), in terms whereof, the appeal of the petitioner to suspend the operation of suspension order has been rejected, are quashed and set aside. However, in light of the fact that the order of suspension has been set aside by this Court, on the ground that the Authority concerned has no power to suspend a licence, the adjudication in this case shall not come in the way of the respondents if they intent to take any action against the petitioner in accordance with law.

8. The petition stands disposed of. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

December 24, 2025
(Rishi)