

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2449 of 2024
Date of Decision: 16.09.2026

Raj Kumar (since deceased) through LRs

.....Petitioner

Versus

State of Himachal Pradesh & Ors.

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Ajay Sharma, Senior Advocate with Mr. Tarun K. Brakta, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Article 226 of Constitution of India, petitioner has prayed for the following main relief:-

“a. That the impugned order dated 22.02.2024 Annexure P-10 may kindly be quashed and set aside with directions to the respondents to adhere to Annexure P-1 and to issue directions forthwith and immediately, thereby allowing the permissions of marking and felling of trees as sought by the petitioner with respect to the land owners of Jeehan beat of Nadaun Range under 1st Division, Hamirpur, District Hamirpur, but within time frame as deemed by this Hon'ble Court.”

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

2. Quintessential facts as emerge from the pleadings as well as other material adduced on record by the respective parties are that original petitioner late Sh. Raj Kumar, who was a Forest Contractor, now substituted by his legal representatives, filed an application as a special power of attorney of land owners of khair trees "cash crop", seeking therein demarcation and permission for felling the same as per ten-year felling programme during the year 2020-21 on 21.11.2020 (P-5). However, owing to Covid-19 pandemic, no action could be taken upon the aforesaid application and as such, fresh application was filed for extension of time in terms of Government of Himachal Pradesh Forest Department order dated 10.09.2002 and 24.09.2003 (Annexure P-8). Vide communication dated 07.12.2021 (Annexure P-1), Principal Chief Conservator of Forests granted extension as per order dated 10.09.2002 supra in favour of land owners of Jeehan beat of Nadaun Range for demarcation, marking and felling of khair trees. However, Deputy Conservator of Forests, Hamirpur, despite there being extension granted by Principal Chief Conservator of Forests, declined to issue orders by giving reference to three writ petitions, being CWP No. 657 of 2019 titled **Amar Singh v. State of H.P.**, CWP No. 1402 of 2019 titled **Purshotam Dass v. State of H.P.** and CWP No. 949 of 2019

titled ***Ashok Thakur v. State of H.P.***, most of which as of today stand decided by this Court.

3. Being aggrieved and dissatisfied with the aforesaid order passed by the Deputy Conservator of Forests, original petitioner filed CWP No. 1813 of 2022, which came to be disposed of vide judgment dated 01.11.2022 with a direction to the respondents to take a fresh decision qua the grievance of the petitioner. However, respondents vide order dated 13.12.2022 (Annexure P-4) again rejected the case of the petitioner with the observation that extension will come into play only if there is an application for demarcation, marking and felling of trees filed within the year prescribed under ten-year felling programme.

4. Again, being aggrieved with the aforesaid order passed by the respondents, petitioner was compelled to file another CWP No. 13 of 2023, which came to be decided vide judgment dated 12.01.2023 by the Division Bench of this Court (Annexure P-6), wherein order dated 13.12.2022 (Annexure P-4) came to be set aside and direction was issued to the respondents to pass fresh order expeditiously.

5. Pursuant to directions contained in aforesaid judgment passed by the Division Bench of this Court, respondents passed fresh orders dated 06.04.2023 (Annexure P-7), whereby claim of the

petitioner was rejected on the grounds that extension ought to have been prayed for by filing application one year prior to the ten-year felling programme, as otherwise it will be deviation which is barred by the Hon'ble Apex Court. Petitioner was once again compelled to approach this Court by way of CWP No. 2695 of 2023, which was decided vide judgment dated 08.01.2024 (Annexure P-9). In para 10 of aforesaid judgment, stand taken by the respondents that application ought to have been filed one year prior to currency of the felling year did not find favour with the Court, which, while allowing the petition, set aside Annexure P-8 in that petition and directed respondent No.2 to take a fresh call in the matter in terms of Annexure P-1 as well as two judgments passed by the Division Bench of this Court in Annexure P-3 and Annexure P-6. Though in terms of aforesaid directions issued by this Court, respondents passed order dated 22.02.2024 (Annexure P-10), but once again rejected the case of the petitioner and as such, petitioner is compelled to approach this Court in the instant proceedings, praying therein for the reliefs, as have been reproduced hereinabove.

6. Pursuant to notices issued in the instant proceedings, respondent-State has filed reply through Conservator of Forests, Hamirpur, Forest Circle, wherein an attempt has been made to refute the claim of the petitioner on the following grounds:

a. Case of the petitioner is a case of deviation and not merely extension, since complete application along with requisite documents was submitted only after expiry of prescribed felling year 2020-21.

b. Clause 10 of Government of Himachal Pradesh order No. FFE-B-A(3)4/99 dated 10.09.2002 requires application to be filed before DFO one year in advance or during the currency of prescribed year. Petitioner should have applied by 2019-20.

c. Hon'ble Apex Court has categorically prohibited deviation from ten-year felling programme vide order dated 30.10.2009 in IA No. 2370 in Writ Petition (C) No. 202 of 1995, titled ***T.N. Godavarman Thirumulpad v. Union of India.***

d. The Central Empowered Committee (CEC) has clarified that IA No. 2370 of 2008 stands disposed of and for any deviation or time extension, matter must be placed before Hon'ble Apex Court.

7. Having heard learned counsel for the parties and perused material available on record, this Court finds that Government of Himachal Pradesh Order No. FFE-B-A(3)4/99 dated 10.09.2002 (Annexure P-8) governs the ten-year felling programme; Clauses 6 to

10 regulate extensions, deviation and timelines for demarcation application. Clause 6 in afore communication enables Principal Chief Conservator of Forests to extend period up to one year where demarcation was completed in prescribed year but felling was partial or not done. Clause 8(1) empowers Principal Chief Conservator of Forests/State Government to grant permission up to one year and thereafter Clause 8(2) empowers State Government to grant extension beyond prescribed year, in cases other than Clauses 6 and 7, up to two years. Clause 10 provides that application for demarcation is to be filed before DFO one year in advance of prescribed felling year. Admittedly, order dated 30.09.2009 passed by the Hon'ble Apex Court in ***T.N. Godavarman*** (supra) prohibits deviation from ten-year felling programme and as per aforesaid order, no felling of trees in violation of Hon'ble Apex Court order dated 12.12.1996 is permissible. In the case at hand, petitioner, for redressal of his grievance, was repeatedly compelled to approach this Court by way of writ petitions viz CWP No. 1813 of 2022, which was disposed of with direction to the respondents to decide the representation of the petitioner within four weeks, but same was rejected. Again, petitioner filed CWP No. 13 of 2023, wherein order dated 13.12.2022 was set aside with direction to the respondents to decide the same afresh within three weeks, however, authorities

concerned, without bothering to look into observations made by Co-ordinate Bench of this Court in passing aforesaid order, again rejected the representation on same and similar grounds. Vide order dated 08.01.2024 passed in CWP No. 2695 of 2023, this Court set aside order dated 06.04.2023 and directed the respondents to pass fresh orders. However, similar order was passed vide order dated 22.02.2024 by Principal Chief Conservator of Forests, but he again failed to take note of observations made in the judgments passed by this Court. Petitioner is aggrieved of order dated 22.02.2024, which came to be passed pursuant to direction contained in order dated 22.02.2024 passed in CWP No. 2695 of 2023.

8. Co-ordinate Bench of this Court, in judgment dated 08.01.2024, which has attained finality, categorically observed that requests of the petitioner are being rejected by the Authority concerned with a preconceived mind. In afore judgment, Co-ordinate Bench of this Court observed that directions which have been passed in two judgments of the Hon'ble Division Bench have not been adhered to in its letter and spirit and without appreciating that aforesaid Authority itself had recommended the case of the petitioner for the extension of demarcation/ marking and felling vide Annexure P-1, but now the Authority has taken a somersault and held that the petitioner was not entitled for the relief being prayed for on the ground

that he has not applied for the grant of felling permission within time. It would be very important to take note of para 10 of the aforesaid judgment, which reads as under:-

“10. In fact, in view of the instructions which have been imparted to the Court by learned Additional Advocate General referred to herein, this Court is of the considered view that though the application for demarcation of land from which felling is proposed to be done, may be filed by the land owners before the Divisional Forest Officer concerned one year in advance from the prescribed year of felling, but there is no bar that an application has to be filed before the commencement of the felling year and no application at the first instance shall be entertained after the felling year commences. Herein also, the application was filed by the petitioner seeking felling permission during the currency of the felling year itself and what the petitioner is seeking is extension of the felling programme which obviously a party seeks if felling cannot be completed within the felling year concerned or permission is not granted to fell during the felling year.”

9. Careful perusal of aforesaid findings given in aforesaid judgment reveals that plea, attempted to be set up by the respondents that application for felling of land was required to be filed one year in advance from prescribed year of felling, came to be rejected. Co-ordinate Bench held that there is no bar that an application has to be filed before the commencement of the felling year and no application at the first instance shall be entertained after felling year commences.

Since in the case at hand, application was filed by the petitioner, seeking therein permission for felling during currency of the felling year itself, coupled with the fact that petitioner is seeking extension of the felling programme, rejection of claim of the petitioner is not sustainable in law. In afore judgment, direction came to be issued to respondent No. 2 to take a fresh call on the request of the petitioner in terms of Annexure P-1 and two judgments passed by the Division Bench of this Court (Annexure P-3 and Annexure P-6), whereafter Principal Chief Conservator of Forests, having taken note of order dated 10.09.2002, rightly proceeded to grant extension. Moreover, in the case at hand, application for extension of time was filed well within the currency of felling year 2020-21, but since all activities were stalled on account of Covid-19 pandemic, prayer for extension of time made by the petitioner could not be considered, which subsequently came to be considered by the Principal Chief Conservator of Forests, pursuant to communication made by Private Secretary to Forest Minister, HP, vide UO Note No. PS/FTS-Minister/2020 Camp at Nurpur dated 09.10.2020.

10. Careful perusal of order dated 27.11.2020 passed by the Principal Chief Conservator of Forests clearly reveals that Private Secretary to Forest Minister, HP, had forwarded the representation of Sh. Raj Kumar, i.e. original petitioner, regarding permission for felling

of khair trees from private land allotted as Nateur. Though aforesaid communication was sent to DFO Nadaun for information and necessary action, but it appears that the aforesaid officer did nothing, as a result thereof, request made by the petitioner for extension of time remained pending, which subsequently came to be rejected on frivolous grounds. Interestingly, in the case at hand, an attempt has been made by the respondents to set up a case that since petitioner did not prefer any application for demarcation/marketing and felling of trees to the Divisional Forest Officer within a period of one year, case of the petitioner clearly falls under the category of deviation which is prohibited by the Hon'ble Apex Court vide order dated 30.10.2009, however, such stand attempted to be set up being totally frivolous deserves outright rejection.

11. Since there is ample material adduced on record suggestive of the fact that an application for extension of time for demarcation, marking and felling of trees was made by the original petitioner within the currency of ten-year felling programme and such prayer of him at first instance was accepted by the Principal Chief Conservator of Forests, aforesaid ground attempted to be set up by the respondents to refute the claim of the petitioner cannot be accepted. At this juncture, it would be apt to take note of judgment passed by the Division Bench of this Court in CWP No. 733 of 2022

titled ***Paras Ram & others v. State of H.P. & others***, wherein Division Bench, having taken note of order dated 30.10.2009 passed in IA No. 2370 in WP(C) No. 202 of 1995 titled ***T.N. Godavarman Thirumulpad v. Union of India***, held that as per Clause 8 of order dated 10.09.2002, State Government can extend period up to another two years subject to its satisfaction that there are sufficient reasons for grant of extension. Division Bench of this Court, having taken note of the fact that application moved by the petitioners in that case had been duly forwarded by respondent No. 3 to respondent No. 2, who, in turn, had forwarded it to respondent No. 1, returned a finding that case does not fall within the term 'deviation' so as to attract bar imposed by the Hon'ble Apex Court in ***T.N. Godavarman Thirumulpad*** (supra). Relevant para of the afore judgment are extracted herein below:-

“7. Facts in the present case are not in dispute. Admittedly, the petitioners had applied for permission on 3rd February, 2021 for grant of extension to fell the “Khair” trees standing on their land. The year of felling, so far as the land of the petitioners is concerned, was 2018-19. Admittedly, the petitioners had moved an application for permission to fell the trees in October, 2018. A perusal of Annexure R-3 reveals that Paras Ram, petitioner No.1 had filed objections with regard to the permission sought by the other petitioners for felling the ‘Khair’ trees standing in the land in question on the ground that a Civil Suit was pending between the petitioners.

8. *The Hon'ble Supreme Court vide order dated 30th October, 2009 passed in IA No.2370 in WP(C) No.202/1995, titled T.N. Godavarman Thirumalpad versus Union of India & Others, has held as under:-*

“ The High Court of Himachal Pradesh passed an order dated 28.5.2008 in regard to felling of trees on private lands which came within the definition of forest land. The order was challenged both by the land owners and contractors on the one side and the State Government on the other. In view of the controversy, we referred the matter to the CEC. The CEC after considering the relevant issues in detail has filed a report. The recommendations and suggestions made by the CEC are acceptable to all the parties before us. The CEC has recommended that the order passed by this court on 8..5.2009 in I.A. 2370 of 2008 should be extended to the felling the Khair trees on privately owner non-forest areas also subject to the following conditions:-

“i) no felling of trees, including of Khair trees, from the forest area will be permissible in violation of the Hon'ble Supreme Court order dated 12.12.1996;

ii) no deviation from the ten-year felling programme fixed by the Forest Department in accordance with the provisions of the Land Preservation Act, 1978 will be permissible;

iii) no Katha/Kutch manufacturing unit will be permitted to be established/allowed to operate or to expand its capacity in violation of the Hon'ble Supreme Court orders dated 29/30.10.2002'.

As noted above, the conditions suggested by the CEC are acceptable to all the parties. All the

parties shall abide by the above conditions and shall also follow the directions issued by this Court on 12.12.1996.”

9. Clause 8 of the order dated 10th September, 2002, Annexure P-5 reads as under:-

“8. In the cases (other than those mentioned in paras 6 & 7 of this order, where demarcation of land and marking of trees have not been done during the prescribed year in accordance with the approved ten years felling programme, permission to demarcate the land, marking and felling of trees may be granted beyond prescribed years of felling by the ;

- (i) the Principal Chief Conservator of Forest upto one year; and*
- (ii) (ii) State Government upto two years subject to their being satisfied that sufficient reasons exist for granting such permission.”*

10. It is not in dispute that an application had been moved by some of the petitioners seeking permission for felling ‘Khair’ trees during the year 2018-19. However, as a civil dispute was pending between the parties, demarcation of the land and marking etc., of trees to be felled could not be done. The suit between the parties was later withdrawn and thereafter the petitioners had to apply for permission to fell and uproot the ‘Khair’ trees from the suit land. In the meantime, Covid-19 restrictions were imposed and due to this reason, petitioners could not approach the respondents for extension of time for permission to fell and uproot the ‘Khair’ trees from the suit land. The petitioners had, however, sought permission within the stipulated period for extension of time to fell the trees i.e. within two years from the year-in-question. In the light of existence of the aforesaid circumstances, the entitlement of

the petitioners to apply for extension under clause 8 reproduced above was clearly made out. However, respondent No.1 has declined the request of the petitioners for extension of time vide order dated 30th November, 2021, Annexure P4/Annexure R-1.

11. Order dated 30th November, 2021, reads as under:-

“ Please refer to your Memo. No. C-28(b) 2016(S)/ 5370 dated 23.11.2021 on the subject cited above.

2. With regard to your request to guidance and permission in favour of land owners of Dooh, P.O Darwa, Tehsil Krishangarh, Distt Solan of Darwa, Kuthar Block, Kuthar Range, Kunihar Division for undertaking demarcation, marking and felling of Khair trees from their private lands during 2021-22 through Shri Sanjeev Kumar, SPA, it is pointed out that the areas in question were open for felling during the year 2018-19. The year 2021-22 is third year after the prescribed year of felling 2018-19. As per Para 8 (i) of GoHP Order No. FFE-B-A (3)4/99 dated 10.09.2002 read with amended order dated 24.09.2003, the PCCF (HoFF), HP is competent to grant permission to demarcate the land marking and felling of trees upto one year beyond prescribed year of felling and under Para 8(ii), the State Government upto two years beyond prescribed year of felling subject to its being satisfied that there exist certain justified reasons for granting such permission. Thus is has crossed the competency of the State Government. In this regard, it is also clarified that the deviation in ten year felling programme is not permissible in terms of Hon'ble Supreme Court order dated 30.10.2009.

In view of the above facts, your request cannot be acceded to. The documents receive vide your memorandum under reference are returned herewith in original.”

12. Respondent No.1, while rejecting the request of the petitioners has treated the case of the petitioners as falling under deviation, whereas, the case of the petitioners falls under the term extension of time under Clause 8 of Order dated 10th September, 2002. Some of the petitioners had applied for permission to demarcate and fell the trees within the stipulated period, but the said approval could not be granted as civil litigation was pending between the petitioners and the application moved by some of the petitioners for approval to demarcate and fell trees was objected by petitioner No.1. However, better sense prevailed and the parties got the suit dismissed as withdrawn. Thereafter, petitioners approached the respondents under Clause 8 of the Order dated 10th September, 2002 for extension of time beyond the prescribed year of felling. As per the said clause, the State Government can extend the period for another two years, subject to the condition that there existed sufficient reasons for grant of extension. Since a civil dispute was pending between the parties with regard to the possession over the property in dispute, the demarcation, marking and falling of trees could not be done in the allocated year for felling of the trees from the land in question. Since there were sufficient grounds for grant of extension upto two years for felling the 'Khair' trees in question, respondent No.1 had erred in rejecting the application moved by the petitioners for approval to fell the 'Khair' trees from the land in question. The application moved by the petitioners had been duly forwarded by respondent No.3 to respondent No.2, who, in turn, had forwarded it to respondent No.1. The present case does not fall within the term deviation so as to attract the bar granted by the Hon'ble Supreme Court in **T.N. Godavarman Thirumalpad's case (supra)**.

12. In case titled ***M/s Vidhmata Wood (Private) Limited v. State of Himachal Pradesh and others***, CWP No. 1714 of 2023, this Court had an occasion to deal with a similar proposition of law. In afore case also, plea came to be raised at the behest of the respondents that vide notification dated 04.03.1977 issued by the Government of Himachal Pradesh, land is a 'protected forest' and as such, no permission, if any, can be granted for felling trees under TYFP. It also came to be stated by the respondents that even if it is presumed that land is eligible for felling of trees, even then, case is moved for deviation from TYFP, cannot be allowed in terms of order dated 12.12.1996, passed by the Hon'ble Apex Court in ***T.N. Godavarman Thirumalpad*** (supra). In afore case, this Court categorically held that Hon'ble Apex Court debarred the State Government from deviating from ten years felling programme, however, extension of time in felling programme is/was permissible under Clause 8 of the Order dated 10.09.2002. In afore judgment, which was based upon the judgment passed by Division Bench of this Court in CWP No. 4181 of 2020 titled ***M/s Vidhmata Wood Pvt. Limited Vs. State of Himachal Pradesh & Ors.***, it was held that request of the petitioner for extension did not amount to deviation and as such, same needs to be considered in terms of Clause 8 of order

dated 10.09.2002. Relevant paras of the afore judgment are extracted herein below:-

“39. Respondent No.1, while passing the impugned order has fallen in grave error, while observing that, even if it is presumed that the land is eligible for felling of trees, even then, case is moved for deviation of TYFP, cannot be allowed in terms of order passed in T.N. Godavarman. Division Bench of this Court, vide judgment dated 17.8.2022 passed in CWP No. 4181 of 2020, after having examined the record, categorically observed that the case of the petitioner was merely for extension of time under Clause 8 of Order dated 10.9.2002 (Annexure P-12), whereby the State Government is/was competent to grant extension of time. It is quite apparent from Clause 8 of Order dated 10.9.2002 as well as subsequent amendments dated 24.9.2003 and 11.11.2003 that the State Government can extend the period upto two years subject to its satisfaction that there exists any of the following reasons for granting such permission:

- (a) If there is a dispute over the title or ownership or possession of land on the production of a documentary evidence such as orders/certificate of the court etc. or*
- (b) If the area is in the ten years felling programme but the same has not been shown therein the certificate from the Divisional Forest Officer concerned; or*
- (c) If the demarcation of land could not be made due to nonavailability of staff on furnishing a certificate from the Sub Divisional Officer (Civil) or the Divisional Forest Officer concerned as the case may be to this effect; or*
- (d) If the process of demarcation of land marking and felling of trees has not been completed due to a natural calamity; or*

(e) If the settlement of rates of trees has not been arrived at during the prescribed year of felling; or

(f) If there is any other reason beyond the control of the land owner. It is further provided by way of this amendment that the State Government may allow felling of trees up to 2 years and 6 months after prescribed period of felling in snow bound areas.

40. Conditions mentioned herein above, in clauses (c), (d) and (f) and proviso are/were applicable in the present case, as such, extension of time for demarcation of land, marking and felling of trees ought to have been granted to the petitioner.

41. Otherwise also, impugned order holding that the case amounts to deviation of programme is patently wrong. Though much reliance has been placed by the respondents on the opinion rendered by Law Department but perusal of same clearly reveals that extension of time was permissible. Law Department, while rendering opinion clearly opined that Hon'ble Apex Court debarred the State Government from deviating from ten years felling programme, however, extension of time in felling programme is/was permissible under Clause 8 of the Order dated 10.9.2002. Division Bench, having taken note of the aforesaid opinion rendered by Law Department has categorically held that the request of the petitioner for extension of time, did not amount to deviation, and as such, the same needs to be considered in terms of Clause 8 of the order dated 10.9.2002.

42. Since, in the case at hand, there is sufficient material available on record suggestive of the fact that the petitioner applied for felling of trees situate upon private land comprising of Khasra No. 10/7/2 in the year 2018 and Forest Department processed the case of the petitioner, prayer made on behalf of the petitioner for extension of time could have been accepted,

especially in view of the recommendation made by Divisional Forest Officer Bharmour vide communication dated 5.3.2019 and by Chief Conservator of Forests vide letter dated 27.9.2019, wherein both the aforesaid authorities specifically observed that on account of heavy snow precipitation, frigid temperatures and non-availability of staff, demarcation of land, enumeration and marking of trees could not be done.

43. Leaving everything aside, once Division Bench of this Court vide order dated 17.8.2022 passed in CWP No. 4181 of 2020, had specifically directed the respondents to grant extension of time for demarcation, enumeration and marking of trees from the land in question there was no occasion for the respondents to reject the case of the petitioner on same and similar grounds, which otherwise stood rejected. Moreover, there is ample material available on record suggestive of the fact that action of the respondents is not free from arbitrariness because they have been granting extension of time for various reasons including non-demarcation of land due to shortage of staff to many similarly situate persons, as is evident from information supplied under Right to Information Act (Annexure P-28) in the same forest Division and under same felling programme extension was granted to land owners of private land in Deol Beat, Holi Block of Trehta Range through Divisional Manager, HFSFDC Ltd. Chamba on the recommendation and certificate furnished by RO Trehta, Naib Tehsil Holi and after completion of other formalities in view of the instructions on the subject. (Annexure P-30, dated 23.3.2019).

44. Case of the petitioner has been rejected on the ground that in terms of para-10 of Order dated 10.9.2002, application for demarcation of land, from which felling is proposed to be done, should have been filed before Divisional Forest Officer,

one year in advance from the prescribed year of felling. In the instant case, petitioner, after purchasing felling rights in August, 2018, got necessary ground work done for application. In August, 2018, Ceiling proceedings initiated on 6.9.2018 were given effect in revenue record, after demarcation and delivery of surplus and, as such, respondents could not reject the case of petitioner for extension of time for the reason that application for demarcation of land ought to have been filed one year in advance from prescribed year of felling. Moreover, Clause 10 of order dated 10.9.2002, if read in its entirety, clearly provides that same is merely directory and not mandatory in nature. This clause has no application qua the case, which stood processed, especially for extension of time.”

13. In afore case also, case of the petitioner was rejected on the ground that in terms of para-10 of Order dated 10.09.2002, application for demarcation of land, from which felling is proposed to be done, should have been filed before Divisional Forest Officer, one year in advance from the prescribed year of felling, whereas petitioner in that case, after purchasing felling rights in August, 2018, got necessary ground work done for application.

14. Having scanned material adduced on record, this Court finds that repeatedly directions came to be issued to respondents to consider the case of the petitioner strictly in terms of provisions contained under order dated 10.09.2002 and Annexure P-8 and two judgments passed by the Division Bench of this Court in Annexure P-

3 and Annexure P-6, but respondents, with a view to defeat rightful claim of the petitioner, have been passing totally absurd orders. Once Division Bench of this Court in ***Paras Ram*** (supra) and this Court in ***Vidhmata Wood (Private) Limited*** (supra) have categorically held that request for extension of time does not amount to deviation and same needs to be considered under Clause 8 of order dated 10.09.2002, there appears to be no occasion for the respondents to reject the claim of the petitioner on the ground that if prayer made on behalf of the petitioner for extension of time is accepted that would amount to deviation.

15. At the cost of repetition, it may be observed that Hon'ble Apex Court in ***T.N. Godavarman*** (supra) has debarred the State Government from deviating from ten years felling programme, but there is no bar, if any, for extension of time in felling programme, especially when such prayer is made during the currency of ten-year felling programme. In the instant case, there is ample material adduced on record suggestive of the fact that application for extension of time was filed during the currency of felling programme, but at first instance same could not be processed on account of Covid-19, however, thereafter extension was granted by the Principal Chief Conservator of Forests, but surprisingly, officer junior to him overlooked his order and raised frivolous grounds, which repeatedly

have been turned down by this Court in catena of judgments/orders, as detailed hereinabove.

16. Consequently, in view of the detailed discussion made hereinabove as well as law taken into consideration, this Court finds merit in the present petition and accordingly, the same is allowed. Impugned order dated 22.02.2024 (Annexure P-10) is quashed and set aside with a direction to the respondents to adhere to Annexure P-1, thereby allowing the permission of marking and felling of khair trees, as prayed by the petitioner, with respect to the land owners of Jeehan beat of Nadaun Range under 1st Division, Hamirpur, District Hamirpur, expeditiously, preferably within a period of four weeks from today.

Petition stands disposed of in the aforesaid terms along with pending application(s), if any.

**(Sandeep Sharma),
Judge**

September 16, 2026
(Sunil)