

CWP No. 15303 of 2014
DECIDED ON: AUGUST 10, 2015

SURENDER AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JASPAL SINGHPresent: Mr. Vijay S. Kajla, Advocate for
Mr. Kulwant Singh, Advocate
for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Kewal Singh, Advocate for
Mr. Hemant Bassi, Advocate
for respondent No.4.**SURYA KANT, J (ORAL)**

The instant writ petition challenges the order dated 16/25.07.2014 (P-7) passed by State Government according permission to carve out plots for allotment to landless persons at a site where 143 fruit bearing trees are standing. The land is situated in the revenue estate of Rai, Tehsil and District Sonapat. On 04.08.2014, this Court stayed the operation of the aforesaid order with a further direction that consequential auction of the trees shall remain stayed.

Thereafter, the case came up for hearing on 03.07.2015, when the State counsel as well as counsel for Gram Panchayat informed that proposal to carve out plots has been dropped thereby, rendering the writ petition infructuous in part. As regards to felling of 143 fruit bearing trees, this Court directed the Conservator of Forests, Production Circle, Karnal to submit a status report.

In deference thereto, learned State counsel has submitted the report submitted by Mr. Navdeep Singh, IFS, Conservator of Forests, Production Circle, Karnal in a sealed cover. The sealed cover is opened and on perusal of report it is revealed that eight number of trees are dry, which can be removed by open auction. As regards the remaining trees, the same have been found to be green and not on the verge of dying or diseased. The officer has further found that most of these trees are standing alongwith the boundary of Gram Panchayat land and they do not cause any hindrance in any type of agricultural activity.

In view of abovesaid report to which we have no reason to disagree or doubt, this writ petition is disposed of with liberty to Gram Panchayat to conduct open auction in respect of eight trees which are found to be dried but as regards the remaining trees we direct Gram Panchayat not to remove those trees unless there is a second opinion by the Forest Department and that too by a Committee comprising of three officers of the Forest Department to be headed by an officer not below the rank of Chief Conservator of Forests, which shall be constituted by Principle Chief Conservator of Forests, Haryana as and when there is a request made by Gram Panchayat. The report submitted by Mr. Navdeep Singh, IFS be made part of the case file.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

AUGUST 10, 2015
SHAM