

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 23412 of 2013

DATE OF DECISION : 29.04.2015

Anuj Sood and another

.... PETITIONERS

Versus

Ministry of Forest & Environment and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Animesh Sharma, Advocate,
for the petitioners.

Mr. Amit Arora, Advocate,
Senior Panel Counsel for Union of India.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

Mr. K.S. Dadwal, Advocate,
for respondent No.6.

Mr. S.S. Hira, Advocate,
for respondents No.7 and 16.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioners have filed this petition challenging the order dated 21.08.2013 (Annexure P-11) passed by the Conservator of Forests, whereby the approval granted vide order dated 13.04.2007 (Annexure P-5) for diversion of 0.009 hectares of forest land as access road to the land of the petitioners under Forest Division, District Hoshiarpur, has been revoked.

The aforesaid impugned order was passed by the Conservator of Forests on the directions of the court to consider the representation filed by the private respondents. The said order has been passed under Section 2 of the Forest (Conservation) Act, 1980. Undisputedly, as per Section 2A of the said Act, an appeal lies to the National Green Tribunal by the person aggrieved by an order or decision of the State Government or other authority made under Section 2, on or after the commencement of the National Green Tribunal Act, 2010.

In view of the aforesaid effective alternative remedy available to the petitioners to challenge the order impugned in the instant petition, learned counsel for the petitioners prays that the petitioners may be permitted to withdraw this petition with liberty to file an appeal against the impugned order before the National Green Tribunal, as provided under the Forest (Conservation) Act, 1980.

Dismissed as withdrawn with the aforesaid liberty.

(SATISH KUMAR MITTAL)
JUDGE

April 29, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE