

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 4090 of 2015

Date of Decision: March 09, 2015

Jagpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the petitioner had not been granted permission to cut the auctioned trees by the Forest Department. He approached this Court by way of writ petition, which was dismissed by this Court. The Letters Patent Appeal preferred by the petitioner was also dismissed vide order dated 15.12.2012. Directions were issued that amount, if any, deposited by the petitioner be refunded within one month from the date of receipt of certified copy of the order. Petitioner was only refunded a part of the amount but the remaining amount could not be refunded as the Gram Panchayat did not have the sufficient funds. Now the Gram Panchayat has again auctioned some trees and payment of ₹ 12,18,260/-, which is still remaining due to the petitioner, has not been paid by the respondent-Gram Panchayat despite there being funds available. Petitioner, in these circumstances after having represented the Gram Panchayat, served a legal notice dated 26.08.2014 (Annexure P-12) upon the District

Development and Panchayat Officer, Rup Nagar, for refund of the remaining amount. Copy of the said notice was also sent to the Gram Panchayat. No decision thereon, till date, has been taken or conveyed nor any amount released to the petitioner.

Counsel for the petitioner submits that the petitioner, at this stage, would be satisfied if a direction is issued to the Divisional Forest Officer, Rupnagar, District Rupnagar and Gram Panchayat, Village Bari, Tehsil and District Ropar through its Sarpanch, respondents No. 2 and 3 respectively to consider and decide the legal notice dated 26.08.2014 (Annexure P-12) within some specified time.

Without going into the merits of the case or commenting thereon, the present petition is disposed of with directions to the Divisional Forest Officer, Rupnagar, District Rupnagar and Gram Panchayat, Village Bari, Tehsil and District Ropar through its Sarpanch, respondents No. 2 and 3 respectively to consider and decide the legal notice dated 26.08.2014 (Annexure P-12) within a period of one month from the date of receipt of certified copy of this order. The consequential benefits, if any, be released to the petitioner, in accordance with law, within a further period of one month. Decision so taken be conveyed to the petitioner forthwith. In case the claim of the petitioner is not to be accepted, then a well-reasoned and speaking order be passed and conveyed to the petitioner forthwith.

March 09, 2015

pj

(AUGUSTINE GEORGE MASIH)
JUDGE