

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12409 of 2015

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1. Swaty D/O- Vijayendra Kumar Resident of village + P.O.- Anandpur
P.S.- Bihta Distt.- Patna at Present residing at House No.-4 Road No.-5
Sri Krishan Nagar P.S.- Budha Colony Distt.- Patna

.... Petitioner/s

Versus

1. The Union of India through the Conservator of Forest Central, Ministry of Environment & Forest, Eastern Regional Office Bhubaneswar.
2. The State of Bihar through the Principal Secretary, Forest Department, Govt. of Bihar. Patna.
3. The Divisional Forest officer (DFO) Patna Forest Division Patna.
4. The Range Officer (Forest) Danapur.
5. Conservator of Forest Patna circle, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate
Mr. Mukesh Kumar No-1, Advocate
For the Respondent/s : Mr. Lalit Kishore (PAAG)
Mr. Bishwa Bibhuti Kumar Singh, AC to PAAG

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

10 11-04-2016 Heard Mr. Ajay Thakur, learned Counsel, appearing on behalf of the petitioner, and Mr. Lalit Kishore, learned Principal Additional Advocate General, appearing on behalf of the State-respondents.

In terms of the State Government's policy, contained in Resolution 43E, dated 28.01.2013 (Annexure-8 to the writ petition), paragraph-2 of Clause (iv) whereof requires that if a person fells one tree, then, he will be required to plant three times

of the tree felled, if 200 or less trees were felled, then, under Clause 2(v), it was required that he would have to plant one thousand trees. Alleging that the contents of Clause 2(v) are contrary to, and cannot stand together, this writ petition was made, under Article 226 of the Constitution of India, seeking appropriate directions.

During the pendency of the writ petition, Clause 2(v) has been deleted by the State Government.

What, therefore, remains, in the light of paragraph-2 of Clause (iv), is that if anyone fells one tree, he has to plant three times of the tree felled.

The petitioner herein undertakes to plant requisite number of trees for the felling the trees numbering twenty-one. As a security deposit, the petitioner has already deposited a sum of Rs.3,75,000/- with respondent No.3, namely, Divisional Forest Officer (DFO), Patna Forest Division, Patna.

If the petitioner plants the three times of number of trees, which is required, and there is no other revenue to be collected from him, the respondents, particularly, respondent No.3, namely, Divisional Forest Officer (DFO), Patna Forest Division, Patna, shall refund the said amount to the petitioner and/or pass such other order or orders, as may be permissible in

law, within a period of one month from the date of completion of the plantation of the trees by the petitioner.

With the above observations and directions, this application stands disposed of.

(I.A. Ansari, ACJ)

(Ahsanuddin Amanullah, J)

Mkr./-

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