

116

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

CWP No.11676 of 2016

Date of decision: June 02, 2016

Surender Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. Babbar Bhan, Advocate
for the petitioners.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT, J. (Oral)

Notice of motion to respondents No.1 to 9. Ms. Kirti Singh, DAG Haryana accepts notice on behalf of the State. It is not necessary to call for respondent No.10 at this stage.

The petitioners are residents of village Mohammadpur Majra, Tehsil Beri, District Jhajjar. They allege that the forest area within the revenue estate of their village comprising Khasra Nos.1946, 1947 and 2113 measuring 261 acres is being transferred to private entities through the ongoing consolidation proceedings, though, such a forest area which is duly notified under sections 4 and 5 of the Punjab Land Preservation Act, 1900, cannot be used for non-forestry purposes in the light of the decision of the Hon'ble Supreme Court as well as

this Court. It is further averred that the Divisional Forest Officer (Regional), Jhajjar vide memo dated 19.09.2014 (Annexure P-2) requested the Deputy Commissioner, Jhajjar to protect the forest land but no heed is being paid to his request.

Having heard learned counsel for the petitioner and the State Government, we are of the view that if there is a notified forest area, it has to be duly protected and cannot be used for non-forestry activities contrary to the law. However, the matter involves factual determination regarding the nature of land.

Consequently, we dispose of this writ petition with a direction to the Principal Chief Conservator of Forests, Haryana to constitute a team of Senior Forest Officers to ascertain and determine the nature of the land in dispute and if it is found that it is a 'forest land for all intents and purposes', the Deputy Commissioner or other State authorities shall be obligated to protect the same in accordance with law. The needful shall be done within a period of 2 months from the date of receipt of certified copy of this order.

A copy of this order be handed over to Ms. Kirti Singh, DAG Haryana for information and necessary compliance.

[SURYA KANT]
JUDGE

[A.B. CHAUDHARI]
JUDGE

June 02, 2016

mahavir