

Civil Writ Petition No.24553 of 2014

[1]

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

**Civil Writ Petition No.24553 of 2014
Date of Order: 08.08.2016**

SUKHDEV SINGH SAINI

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

**CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MRS. JUSTICE LISA GILL**

**Present: Mr. Parveen Gupta, Advocate,
for the petitioner.**

Mr. Randhir Singh, Addl. Advocate General, Haryana.

S.S.SARON, J.

The present petition has been filed seeking directions against the respondent-State of Haryana not to treat large area of land of the State as forest area within the meaning of Forest Conservation Act, 1980, by wrongly applying the provisions of Sections 3, 4 and 5 of the Punjab Land Preservation Act, 1900 (for short - 'PLPA'), as adopted in the State of Haryana.

According to the petitioner, large area of land, is wrongly being treated as forest area which has rendered the same to disuse and remains unutilised even though the said land is very fertile for cultivation and agricultural purposes. Approximately 25,000 hectares of land for no valid reason, according to the petitioner, is being treated as forest area.

A perusal of the petition and the annexures appended with it

show that the notifications that have been appended with the petition have since expired.

Learned Counsel for the petitioner accepts this position. He, however, submits that despite the lapse of the notifications, the revenue records still depict the land to be forest area. This has made the land that has wrongly been depicted as forest area unfit for use for any other purposes.

Learned State counsel submits that in fact, no particulars of the lands have been mentioned and it has not been specified as to in respect of which land the petitioner is claiming the relief. Besides, a pointed reference has been made to the averments made in the petition that the land cannot be used for agricultural purposes, horticulture, plantations, construction of any building, farm etc. Besides, such lands are also not permitted to be used for any other purpose or projects. According to the learned State Counsel the use of the expression 'construction of any building' and 'other purposes of projects' is indicative of the fact that the real intention of the petitioner is to raise buildings by making constructions and setting up of projects which, however, are not specified.

Learned counsel for the petitioner, however, strongly denies the same and it is stated that the land is required for being used for other purposes as well and not restrict it to forest area only.

Be that as it may, it is an accepted position that no specific area has been mentioned and neither has any particulars of the land that is not being allowed to be used for other purposes been mentioned. Besides, the notifications that have been appended with

the petition according to the learned counsel for the petitioner have since expired.

In the circumstances, learned Counsel for the petitioner submits that he may be allowed to withdraw the present petition with liberty to file a fresh one by making specific references of the area of the land, which is wrongly being depicted as forest area, besides, also specify as to for what other purposes is the land required for and should be used.

Accordingly, the writ petition is dismissed as withdrawn, with liberty to the petitioner to file a fresh one by giving better and complete particulars of the area of land to which the provisions of the PLPA have been applied and also specify the other use of land, which was or had been shown as forest area.

(S.S.SARON)
JUDGE

August 08,2016
nt/naresh

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No