

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

CWP No.19452 of 2017 (O&M)

Date of Order: 13.10.2017

Shamsher Yadav

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

RAKESH KUMAR JAIN, J (ORAL)

CM No.14754 of 2017

Prayer in this application is for impleading the applicant as party respondent No.5.

For the reasons stated in the application, which is supported by an affidavit, the same is allowed. Applicant is impleaded as respondent No.5.

Amended memo of parties is taken on record. Registry to place the same at appropriate place besides paginating it.

CM No.14755 of 2017

This application is filed for placing on record Annexures P.2 and P.3.

Allowed as prayed for.

Main case

This petition is filed for seeking directions to respondent No.2 to decide representation dated 30.5.2017 (Annexure P.1) in order to take action against respondent No.4 for illegally cutting the trees from the panchayat land.

Learned counsel for the petitioner has placed on record Annexures P.2 and P.3 vide the aforesaid application.

Annexure P.2 is the information supplied by the Forest Range Officer to the Deputy Forest Inspector, Gurgaon, wherein it has been specifically mentioned that the trees were cut by one Satbir who has admitted this fact. However, he has referred to a report dated 06.4.2017 by the BDPO to the Deputy Commissioner, Gurugram, which is on the basis of complaint made by the petitioner to the C.M. Window in which it is averred that the trees were cut by the Sarpanch. Therefore, it is submitted that the action be taken against respondent No.4.

I have heard learned counsel for the petitioner and perused the record.

It appears to me that it is motivated litigation at the instance of the petitioner because there is already information supplied to him. Even otherwise, the Forest Range Officer has given information under the Right to Information Act to the Deputy Forest Inspector, Gurgaon that the trees were cut by Satbir, who has admitted the same. Therefore, there was no occasion for the BDPO to hold that the trees were cut by the Sarpanch.

Learned counsel for the petitioner submits that Satbir has been protected at the instance of the Sarpanch/respondent No.4 in order to save his own skin.

The argument of the petitioner is without any basis and therefore I do not find any reason to issue any mandamus.

Dismissed.

October 13, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No