

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

**CWP No. 8454 of 2017 (O&M)**

**Date of decision: 01.05.2017.**

Ravi Kumar

..... Petitioner.

Versus

Union of India and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON  
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Hemant Saini, Advocate, for the petitioner.

Mr. P.P.S. Thethi, Additional Advocate General, Punjab, with  
Shri M. Sudhagar, IFS, Divisional Forest Officer, Rupnagar  
Forest Division, Rupnagar (respondent No. 3).

**S.S. SARON, J.**

The petitioner - Ravi Kumar by way of present petition under Articles 226/227 of the Constitution of India seeks quashing of order dated 20.03.2017 (Annexure P11) passed by the Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3) in terms of which the claim of the petitioner for grant of permits for felling remaining trees for the year 2016-17, in respect of which his application dated 02.08.2016 (Annexure P5) is pending, has been refused. The petitioner also seeks a direction for directing the Principal Chief Conservator of Forests, Head of Forest Force (HoFF), SAS Nagar (respondent No. 2) and the Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3) to forthwith grant him permits by taking action in accordance with law in a time bound manner on his aforesaid application dated 02.08.2016 (Annexure P5).

It is submitted that the Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3), in view of the order dated 19.05.2016 (Annexure P3) passed by the Hon'ble National Green Tribunal, New Delhi (respondent No. 4) ('Tribunal' - for short), has not taken any action upon the aforesaid application dated 02.08.2016 (Annexure P5) and is now refusing to grant him permits on the erroneous ground alleging that the last dates to issue permits, complete the cutting and remove the felled materials are 31<sup>st</sup> December, 28<sup>th</sup> February and 15<sup>th</sup> March, respectively, of any financial year.

According to the Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3), the last date for issuing permits to the petitioner was 31.12.2016, completing the cutting was 28.02.2017 and removing the felled material was 15.03.2017, which have elapsed.

Learned counsel for the petitioner submits that the permits could not be issued in view of order dated 19.05.2016 (Annexure P3) passed by the learned Tribunal (respondent No. 4).

A copy of the petition was given to Mr. P.P.S. Thethi, Additional Advocate General, Punjab, so as to enable him to seek instructions from the Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3). He, on instructions from Shri M. Sudhagar, IFS, Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3), submits that the last dates to issue permit, complete the cutting and remove the felled materials, as mentioned, i.e. 31.12.2016, 28.02.2017 and 15.03.2017, have elapsed. Besides, it is submitted that in terms of clause (4) of the Felling Policy of the Management Plan of

Rupnagar Forest Division it is *inter alia* provided that no permit will be given for main felling (i.e. 5 year cycle) during the fire and plantation time, i.e. from 15<sup>th</sup> April to 31<sup>st</sup> August, and for subsidiary felling between fire season, i.e. 15<sup>th</sup> April to 30<sup>th</sup> June. Therefore, in any case the matter cannot be considered up to 31.08.2017.

Learned counsel for the petitioner, however, submits that the permits should have been issued but the same could not be issued in view of the order dated 19.05.2016 (Annexure P3) passed by the learned Tribunal (respondent No. 4) and he had assailed the said order by way of CWP No. 3860 of 2017 in this Court.

The said writ petition, it may be noticed, was disposed of by this Court vide order dated 28.02.2017 (Annexure P9) in view of the order dated 28.10.2016 passed by Hon'ble the Supreme Court in a similar matter, i.e. Civil Appeal D No. 33942 of 2016 titled 'State of Punjab and others v. Amandeep Aggarwal and others'. It was noticed by this Court that the petitioner seeks permits for cutting and felling of trees so as to comply with the agreement dated 15.06.2015, which had been entered into with one Baljinder Singh son of Nirmal Singh and was valid till 30.04.2017. It was also noticed that felling and cutting of trees was to take place by grant of permits after taking due permission from the Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3). The said permits were to be granted under the Five Year Felling Programme in terms of notifications dated 23.09.1914, 05.10.1989 and 08.08.2012. The Divisional Forest Officer, Rupnagar Forest Division, Rupnagar (respondent No. 3), it was observed, was to initiate the process of consideration for grant of

permits and in case these were found to be valid in terms of Five Year Felling Programme, prepare the same. However, the trees were not to be actually cut till the matter was considered by the learned Tribunal (respondent No. 4) for which the petitioner, it was said, may approach as soon as possible. In consequence of the said process, the impugned speaking order dated 20.03.2017 (Annexure P11) has been passed by Shri M. Sudhagar, IFS, Divisional Forest Officer, Rupnagar (respondent No.3).

As already noticed, the only grievance of the petitioner is that the necessary permits for felling trees could not be issued in view of the order dated 19.05.2016 (Annexure P3) passed by the learned Tribunal (respondent No. 4). It is also informed that the petitioner approached the learned Tribunal (respondent No. 4) by way of M.A. No. 286 of 2017 and the learned Tribunal has passed the following order on 25.04.2017:-

“We have heard the Applicant. In view of the order of the Hon'ble Supreme Court of India afore-referred, in our considered view no order is required to be passed by this Tribunal. The Applicant may approach the Government for proper remedy.

With the above terms M.A. No. 286 of 2017 stands disposed of.”

In M.A. No. 286 of 2016, the petitioner, it was observed, may approach the government for proper remedy. However, the only grievance of the petitioner is the order dated 19.05.2016 (Annexure P3) passed by the learned Tribunal (respondent No. 4) due to which action had not been taken by the respondents authorities.

In the circumstances, the petitioner may, if so advised, again approach the learned Tribunal (respondent No. 4) for redress of his grievance vis-a-vis order dated 19.05.2016 (Annexure P3) or may approach the government for proper remedy, as already ordered by the learned Tribunal (respondent No. 4) vide order dated 25.04.2017.

The writ petition is accordingly disposed of.

**(S.S. SARON)**  
**JUDGE**

**(DARSHAN SINGH)**  
**JUDGE**

01.05.2017  
Ramesh

**Note:** 1. Whether reasoned/speaking : Yes  
2. Whether reportable : No