

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC NO.301 of 2018**

Jugal Kishore Kesharwani, aged about 55 years, son of late Pyarelal Kesharwani, resident of Village-Tata, Post-Manpasar, Police Station-Sarsinwa, Tahsil-Bilaigarh, District-Balodabazar-Bhatapara (CG)

----Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The Principal Chief Conservator of Forest Chhattisgarh, Aranya Bhawan, Medical College Road, Raipur (CG)
3. The Divisional Forest Officer, Balodabazar, District-Balodabazar-Bhatapara (CG)

---- Respondents

 For Petitioner : Mr.Alok Nigam, Advocate
 For Respondents : Mr.Gary Mukhopadhyay, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/07/2018**

1. This Court by order dated 4.10.2017 directed the concerned Divisional Forest Officer to decide the petitioner's application for renewal of the licence within a period of 10 days from the date of receipt of certified copy of the order. When certified copy was produced before the Divisional Forest Officer, Balodabazar on 8.11.2017, the Divisional Forest Officer, Balodabazar directed for production of certain documents, against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that succession certificate is not required and application ought to have decided by the Divisional Forest Officer, Balodabazar on merits. He relies

upon the circular dated 31.1.2012 (Annexure P/12) issued by the Chief Conservator of Forest, Raipur.

3. On the other hand, learned Government Advocate for the respondents/State would support the impugned order and submit that dispute is in between the petitioner and other family members.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
5. As directed by this Court on 4.10.2017 the concerned Divisional Forest Officer would have decided the application for renewal within a period of 10 days, which he has not done. This is non-compliance of the Court's order. Even the circular of the State Government dated 31.1.2012 issued by the Chief Conservator of Forest gives the guidelines which has also not been considered. It is unfair on the part of the Divisional Forest Officer, Balodabazar not to comply with the order of the Court and flout the order of the Court.
6. Accordingly, the impugned order dated 8.11.2017 (Annexure P/1) issued by respondent No.3 is set aside. The matter is remitted to the Divisional Forest Officer, Balodabazar, who will decide the application as directed by this Court within two months from the date of receipt of certified copy of this order. The petitioner is at liberty to produce the documents and/or circular dated 31.1.2012 in support of his case and that will be considered by the Divisional Forest Officer, Balodabazar strictly in accordance with law.

7. The writ petition is allowed to the extent indicated hereinabove.

No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-