

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

Civil Writ Petition No.23004 of 2017
Date of decision: January 29, 2018

Akhil Bhartiya Jeev Raksha Bishnoi Sabha

....Petitioner

versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Ms. Jasneet Mehra, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. The challenge in this petition filed under Articles 226/227 of the Constitution of India, is to the notification dated 24.08.2017 (**Annexure P-1**) issued by respondent No.1 whereby Divisional Forest Officer (Wildlife), Divisional Forest Officer (Territorial) and Sub Divisional Officers (Civil) having territorial jurisdiction have been appointed as Authorized officers for issuing permits for hunting of wild animals viz. Roz (Neelgai) and Pig because the said notification is in contravention of judgment passed by the Hon'ble Supreme Court in **Centre for Environment Law, WWF-1 vs. Union of India and others, 2013(2) RCR (Civil) 928**. Further prayer has also been made to declare Section 62 of the Wildlife Protection Act, 1972 as illegal and ultra-vires, which empowers the Centre to declare a protected animal as vermin.

2. On a query being put to learned counsel for the petitioner as to whether for the relief claimed in this writ petition, any representation

has been filed before the concerned authority or not, it was not denied that no such representation has been filed. Learned counsel submitted that she may be allowed to withdraw the present writ petition at this stage by permitting the petitioner to file a detailed and comprehensive representation before respondent No.1, within one month for the relief claimed in the present writ petition. However, a prayer was made that time bound direction be issued to the said authority to decide the same after affording an opportunity of hearing to the petitioner and by passing a speaking order in accordance with law.

3. After hearing learned counsel for the petitioner, perusing the present writ petition and without commenting anything on the merits of the case, the present writ petition is disposed of by granting liberty to the petitioner to file a detailed and comprehensive representation, raising all the pleas as raised in the present writ petition before respondent No.1 within one month from the date of receipt of certified copy of this order. In case, such a representation is filed, the same shall be decided by the said authority by passing a speaking order and after affording an opportunity of hearing to the authorized representative of the petitioner within next three months in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

January 29, 2018
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Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No