

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Cr.) No.109 of 2015

Prakash Chand Bothra, aged about 40 years, S/o Lunkaran Bothra,
R/o Bande Bus Stand, Thana Bande, Tahsil Pakhanjore, Distt. Kanker
---- Petitioner

Versus

1. The State of Chhattisgarh, through Secretary, Forest Department,
Mantralaya, Naya Raipur
2. Conservator of Forest, Kanker Circle, Kanker
3. Divisional Forest Officer, West Bhanupratappur, Distt. Kanker
4. Forest Range Officer, West Paralkot, Division West Bhanupratappur,
Distt. Kanker
5. Surya Prakash Malik, S/o Lalit M Malik, R/o Bande Bus Stand, Thana
Bande, Tahsil Pakhanjore, Distt. Kanker
---- Respondents

For Petitioner: Mr. Parag Kotecha, Advocate.
For Respondents No.1 to 4 / State: -
Mr. Aakash Pandey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/04/2019

1. The petitioner filed a complaint before the State officials that action be taken against respondent No.5 for causing loss to the forest property and forest offence be registered against him, consequent to which preliminary report was registered and tractor & machinery belonging to respondent No.5 were seized by the authorities and thereafter, tractor & machinery were released against which a writ petition was filed before this court and the said writ petition was disposed of holding that it is a matter of public interest litigation against which writ appeal was filed and the same was also disposed of directing disposal of complaint by the competent authority. Thereafter, revenue case was

registered because the subject land being revenue land and finally, penalty has been imposed against respondent No.5 against this writ petition has been filed.

2. Learned counsel for the petitioner submits that the action of the respondents is unsustainable and bad in law.
3. On the other hand, learned State counsel would support the impugned action.
4. I have heard learned counsel for the parties and perused the documents available on record.
5. In the first round, this Court had already held that the subject matter of the present case is a public interest litigation and writ appeal was not entertained and the State has clearly come with a case that the land was revenue land and revenue case has been registered and respondent No.5 was subjected to fine, as such, I do not find any case for interference anymore, as the order of the coordinate Bench holding the matter to be the subject-matter of public interest litigation which was not set-aside by the writ appeal court in writ appeal only directing for deciding the complaint in which the State has clearly stated that the land in dispute is revenue land and is not forest land.
6. In view of the above, the writ petition is closed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge