

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15816 of 2020

Date of Decision:-30.09.2020

Raghvir Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Ashok Bhardwaj, Advocate for the Petitioners.

Ms. Monica Chibber Sharma, Sr. DAG Punjab for
official respondent nos.1 to 5/State.

Mr. Baljinder Singh Ichhewal, Advocate for
respondent nos.6 & 7-Gram Panchayat.

JASWANT SINGH, J.

Petitioners-Raghvir Singh and others, who are residents of Village Hardaspur, Tehsil and District Patiala have filed the present writ petition seeking quashing of order dated 16.09.2020 (**P-9**) passed by Deputy Commissioner, Patiala, whereby the representation filed by petitioners for conducting an inquiry regarding felling of trees in the Village has been declined. Further, prayer has been made for directing the respondents to plant, protect and develop double number of trees which have been illegally felled in contravention to letter dated 12.07.2019 (**P-8**) written by Forest Divisional Officer, Patiala.

Ld. Counsel for the petitioner has argued that the Gram Panchayat has cut about 446 trees in the Village which were not fully developed and thus has caused financial loss to the Gram Panchayat, for which a representation dated 30.12.2019 (P-3) was given. This representation has been decided vide impugned order dated 16.09.2020 (P-9), whereby it has refused to conduct further inquiry. It is submitted that the trees have been cut in contravention of letter dated 12.07.2019 (P-8) written by the Forest Divisional Officer, Patiala who has advised against cutting of trees and therefore the action of Gram Panchayat as well as officials of department is illegal. Thus, prayer has been made for allowing the instant writ petition.

We have heard Ld. Counsel for the petitioner at length and have scrutinized the paper-book, however we are of the view that the present writ petition is liable to be dismissed.

On a pointed query, counsel for the petitioners has not been able to point out their locus to maintain the present writ petition. Although petitioners are residents of the village, however, they cannot be permitted to interfere in the administration of day to day affairs of the Panchayat, which has been democratically elected to represent the residents of Village. There can be various reasons for cutting the trees, which might seem ill-advised to some residents but necessary for administration. Such opinions of few individuals cannot be made basis to thwart the actions of Gram Panchayat.

Even otherwise, a perusal of the order dated 16.09.2020 (P-9) makes it abundantly clear the Gram Panchayat had not cut the trees of its own accord and had rather passed a resolution dated 24.02.2019 seeking permission from Block Development and Panchayat Officer (in short

‘BDPO’) for cutting the trees. The BDPO had sought assessment of value of trees from the Forest Department who assessed the same and submitted its report dated 12.07.2019 (P-8) to the BDPO. The BDPO thereafter permitted the Gram Panchayat to auction felling of the trees after the Deputy Commissioner, Patiala granted approval for same. Auction was held on 30.12.2019. It is thus apparent that the Gram Panchayat had followed the procedure prescribed as per law and then auctioned the trees for their cutting. The argument that Forest Divisional Officer, Patiala had advised the officer against cutting of trees is completely misconceived. A perusal of letter dated 12.07.2019 (P-8), when read in its totality shows that Forest officer had only assessed the value of trees and after assessing the same, by way of abundant caution informed the BDPO that this letter be not considered as an advise of approval at not one but two places. It seems that the Forest Officer was trying to make it clear that it cannot given approval and therefore had further advised that responsibility would be of BDPO. Hence, this letter, by no stretch of imagination, can be considered as binding upon the concerned authority for declining the request of Gram Panchayat.

In this view of the matter, finding no merit, present writ petition is hereby ordered to be dismissed.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

September 30, 2020
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No