

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 13507 OF 2022

Gapi @ Gopi Matam

Petitioner

Mr. Jajati Keshari Khuntia, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.07.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition prays for a direction to the Divisional Forest Officer, Koraput Division-Opposite Party No.2 to grant permission for removal of Eucalyptus Trees (288 numbers) standing on both sides of the road from Sagar Chowk to Jalaput Camp, within a stipulated time.
 3. Mr. Khuntia, learned counsel for the Petitioner submits that for expansion of the road from Sagar Chowk to Jalaput Camp, the trees besides the road were required to be cut. Accordingly, the Petitioner sought for permission for removal of Nilagiri Trees standing on both sides of the road. The Divisional Forest Officer, Koraput Division-Opposite Party No.2 considering the matter granted permission on 9th October, 2018 to cut and remove about 418 numbers of Nilagiri trees. Although the Petitioner cut and removed some of the trees, but 288 numbers of trees could not be removed. Due to pandemic of COVID-19, permission granted by the Opposite Party No.2 could not be worked out completely and 288 numbers of trees were left to be cut and removed. After normalization of the situation, the Petitioner made a grievance petition to the

Opposite Party No.2 on 2nd January, 2022 to grant permission to cut and remove the trees, but no action has yet been taken on the said representation.

4. Mr. Mishra, learned Additional Standing Counsel, on instruction, submits that the Petitioner was earlier granted permission to cut and remove the trees, but he did not comply with the same. Since permission was granted on 9th October, 2018 to cut and remove about 418 numbers of trees, the plea of the Petitioner that due to outbreak of COVID-19, he could not remove the trees, is not correct. He further submits that the Petitioner has to comply with certain formalities for consideration of his petition under Annexure-8.

5. In view of the submissions made by learned counsel for the parties, this Court disposes of this writ petition with a direction that in the event the Petitioner complies with all formalities to be communicated to him within a period of fifteen days hence, the petition submitted by him under Annexure-8 shall be considered in accordance with law as expeditiously as possible preferably within a period of two months from the date of such compliance.

6. It is made clear that this Court has not expressed any opinion on the merits of the case of the Petitioner. The Opposite Party No.2 shall act upon production of certified copy of this order along with an application dated 2nd January, 2022 under Annexure-8.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks