

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 32295 OF 2022

Dasarathi Behera

....

Petitioner

Mr. Alok Kumar Panda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Dillip Kumar Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the letter dated 24th November, 2022 (Annexure-5) issued by the Divisional Forest Officer, Khurda Division, Khurda rejecting the application filed by him for removal of forest produce from RH Plot No.326 under Khata No.19 situated in mouza Kiagorada in the district of Khurda.
3. Mr. Panda, learned counsel for the Petitioner submits that after submission of the application in Form No.II, a joint verification was made, wherein at Clause-15 with regard to Location of Government forest from applied Plot, it is opined that the location of Government Forest is at a distance of about 20 meters from the applied plot of land. Along with the joint verification report, the boundary of Plot from which the Petitioner wants removal of forest produce has been given, which discloses that plot of the Petitioner is surrounded by private land. Considering the same, although the order of permission was

granted in favour of the Petitioner and uploaded in the website vide Annexure-3, but subsequently it was removed from the website and letter under Annexure-5 has been issued opining that a GPS survey was conducted by the Range Officer, Balugaon and it was found that some part of the plot of the Petitioner are inside Aranga Reserve Forest. Hence, his application for removal of forest produce was rejected.

3.1 Mr. Panda, learned counsel for the Petitioner further submits that joint verification was conducted after thoroughly measuring the plot of the Petitioner and comparing the same with existing map in presence of the revenue as well as forest officials. Accordingly, permission order was also granted in favour of the Petitioner and it was uploaded in the website of the Forest Department. Thus, the letter under Annexure-5 rejecting the permission for removal of forest produce is without application of mind. Hence, the same requires reconsideration.

4. Mr. Mishra, learned Additional Government Advocate though defended the letter under Annexure-5 stating that on GPS survey, it is found that some part of the plot is under Aranga Reserve Forest, but submits that the matter requires reconsideration in view of the joint verification report as well as the order of permission granted in favour of the Petitioner under Annexure-3.

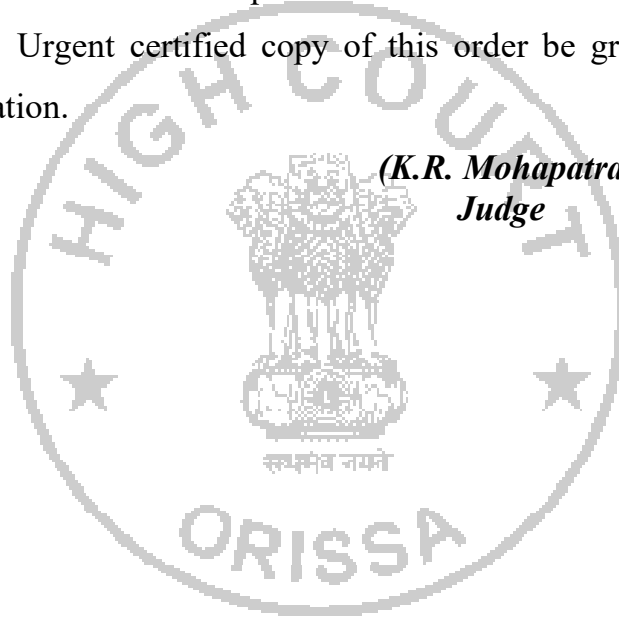
5. In that view of the matter, this writ petition is disposed of with a direction to the Divisional Forest Officer, Khurda Division, Khurda-Opposite Party No.2 to reconsider the application of the Petitioner for removal of forest produce from his land, as aforesaid,

giving him an opportunity of hearing and keeping in mind the joint verification report as well as the order of permission, if any, granted earlier in favour of the Petitioner. All endeavour shall be made to dispose of such application afresh as expeditiously as possible preferably within a period of one month from the date of production of certified copy of this order.

6. As requested, a copy of this order be handed to Mr. Mishra, learned Additional Government Advocate for communication and compliance.

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

(K.R. Mohapatra)
Judge



bks