

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWP No.281 of 2005

Date of Decision: 26.2.2007

Surinder Parkash and others

Petitioners

Versus

State of H P & others

Respondents.

Coram

**Hon'ble Mr. Justice Deepak Gupta, J.
Hon'ble Mr. Justice Surinder Singh, J.**

Whether approved for reporting¹?

For the petitioner : Mr Ramakant Sharma, Advocate.

**For respondents No. 1,3 & 5 : Mr M S Chandel, Advocate General
with Mr Ram Murti Bisht, Deputy
Advocate General.**

**For respondents 2 & 4 : Mr Rakesh Jaswal, Advocte, vice
Mr N S Chandel, Advocate.**

Surinder Singh, J. (Oral)

Kuhai beat of Sarain Range in Tehsil Chopal was opened for felling of trees under Ten Years Felling Programme during 2002-2003. In the same beat, the petitioners owned and possessed khasra numbers 4136, 4140, 4141, 4142, 4143/2, 4145, 4149 and 4151, total khasra numbers 8 situate in mauza Balparch, Pargana Hamal, Tehsil Chopal, District Shimla, whereupon the trees were standing. The petitioner No.1 was authorized by the other petitioners to seek felling permission of the trees with respect to the aforesaid khasra numbers under the provisions of "Himachal Pradesh Forest Produce (Regulation and Trade) Rules, 1982".

Whether reporters of the Local papers are allowed to see the judgment?

The application (Annexure-P1) was submitted on 28.2.2002 to the Divisional Manager, Forest Working Division, who vide Annexure-P2 forwarded the application to the respondent No.3 Divisional Forest Officer, Chopal for issuing the felling permits as per procedure during the working period. After completing the formalities of joint demarcation and marking etc., the petitioners were only granted the felling permission with respect to the trees standing over two khasra numbers, i.e., 4140 and 4151 vide letter dated 31.3.2003 (Annexure-P4) without assigning any reason for not granting the felling permission with respect to the trees standing over remaining six khasra numbers. Despite representations made to the quarters concerned, nothing material could be heard. Thus, the present writ petition was filed just before the expiry of the last date, i.e., 31-3-2005 from the final closer of the said beat. The relief was sought to direct the respondents to grant felling permission with respect to the trees standing over remaining six khasra numbers.

The respondents have admitted in reply that the petitioners were granted felling permission with respect to only two khasra numbers but the trees standing on the rest of these khasra numbers were not marked as most of them were broad leave trees like Oak, therefore, the petitioners were advised to make the representation to them for referring the matter to the State Government.

The parties were heard and we have gone through the record. The beat in question was open for felling under the "Ten Years Felling Programme" during the year 2002-2003 and according to the instructions of the State Government, deviation could have been granted only for two years, i.e., up to 31-3-2005. Since the time has already expired and the beat is now closed for felling, the relief as prayed for cannot be

granted to the petitioners. Accordingly, the petition is dismissed with a direction that in future as and when the beat will re-open for felling under the aforesaid Programme, the respondents may consider the request of the petitioners, if made, in accordance with law.

The matter is accordingly disposed of with no order as to costs.

CMP No. 573 of 2005.

No order in view of disposal of the writ petition.

(Deepak Gupta),
Judge.

(Surinder Singh)
Judge.

February 26, 2007.
(BM)