

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 28th DAY OF FEBRUARY, 2022

BEFORE

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ,

CHIEF JUSTICE

&

HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION No.1061 of 2022

Between:-

CHAMEL SINGH, S/O SH. MAYA RAM,
R/O VILLAGE TIRMALI, P.O. BIRLA,
TEHSIL NAHAN, DISTRICT SIRMOUR, H.P.

.....PETITIONER

(BY MS. SHALINI THAKUR AND
MR. SANJAY VERMA, ADVOCATES)

AND

1. STATE OF H.P., THROUGH
SECRETARY (FOREST) TO THE
GOVT. OF HIMACHAL PRADESH.
2. DIVISIONAL FOREST OFFICER,
NAHAN, DISTRICT SIRMOUR, H.P.

.....RESPONDENTS

(BY MR. ASHOK SHARMA,
ADVOCATE GENERAL WITH
MS. RITTA GOSWAMI,
ADDITIONAL ADVOCATE GENERAL)

*This petition coming on for admission this day, **Hon'ble Mr. Justice Mohammad Rafiq**, passed the following:*

ORDER

The petitioner has approached this Court, challenging the order of eviction dated 22.07.2016, Annexure P-2, passed by the Collector-cum-ACF Nahan, District Sirmour, from the land, which is part of reserved forest land and also the order dated 28.04.2021, Annexure P-1, passed by the Divisional Commissioner, Shimla Division Shimla-2, dismissing the appeal filed against the said order of eviction.

2. The learned counsel for the petitioner in the course of arguments has relied on the orders passed by this Court in CWP No.846 of 2019, titled as Surtu Versus State of Himachal Pradesh and others, dated 24.04.2019 and CWP No.2330 of 2018, titled as Prem Singh Versus State of Himachal Pradesh and others, dated 22.10.2018. He has argued that both these matters were disposed of by granting liberty to the petitioners therein to move the appropriate application(s) before the

competent authority, within two weeks, who shall thereafter determine the claim of the petitioner, by passing a speaking order, within a period of four months.

3. Even though, on the perusal of the order passed by the appellate authority, we do not find any error in the same, but at the request of the learned counsel for the petitioner, we dispose of the writ petition and set the petitioner at liberty to move an application before the competent authority on the prescribed format, within a period of two weeks from today, who shall pass a speaking order on the same, within a period of four months thereafter.

4. The pending miscellaneous application(s), if any, shall also stand disposed of.

(Mohammad Rafiq)
Chief Justice

(Jyotsna Rewal Dua)
Judge

February 28, 2022
(Bhardwaj)