

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: WP(C) 958/2021

Hotel Forest View

.....Appellant/Petitioner(s)

Through :- Mr. Arshad Majid Malik, Advocate.

v/s

Union Territory of J&K and others

.....Respondent(s)

Through :- Mr. Amit Gupta, AAG.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER

31.05.2023

N.KOTISWAR SINGH-CJ

(ORAL)

1. The petitioner in the present writ petition has challenged order dated 08.04.2021 passed by respondent No.2, Divisional Forest Officer, Udhampur, Forest Division, Udhampur. By the impugned order dated 08.04.2021, notice was given to the petitioner for vacating 02 marlas 06 sarsai of alleged Forest Land in compartment 95/D, Nabhather Forest alleging that the petitioner is in illegal possession of the same. The case of the petitioner on the other hand is that he is the owner of the land and not an illegal occupant.
2. Be that as it may, the order passed by the Divisional Forest Officer, Udhampur, Forest Division, Udhampur is appealable before the Chief

Conservator of Forest under Section 79-A sub-clause (3) of the Indian Forest Act, 1927.

3. Under the circumstances, the learned counsel for the petitioner submits that he may be allowed to approach the competent forum to challenge the said order passed by the Divisional Forest Officer, Udhampur, Forest Division, Udhampur. He may do so.
4. Accordingly, the petition is disposed of with liberty to the petitioner to approach the appellate-competent forum within two weeks. Till the appeal is decided, no coercive action shall be taken in terms of the impugned order dated 08.04.2021.
5. Disposed of in above terms.

(PUNEET GUPTA)
JUDGE

(N.KOTISWAR SINGH)
CHIEF JUSTICE

JAMMU
31.05.2023
Pawan Chopra

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No