

Govind Singh vs. Devesh Kumar & Ors.

COPC No. 71 of 2023.

27.09.2023 Present: Mr. Ankush Dass Sood, Senior Advocate, with Mr. Vivek Negi, Advocate, for the petitioner.

Mr. Pratush Sharma, Addl. A.G., Ms. Priyanka Chauhan, Dy. A.G., and Mr. Gautam Sood, Dy. A.G., for respondents No.1 to 4-State.

None for respondent No.5.

On 18.11.2022, a Division Bench of this Court passed an order in CMP No. 15605 of 2022 in CWP No. 2899 of 2022, the relevant extract of the order is reproduced as under:-

"Today, learned Advocate General has obtained instructions and states that the site in question is still operational as the respondent No.5 appears to be using the same. In such circumstances, let the proceedings of contempt be registered separately against respondent No.5. In the meanwhile, respondent No.3 i.e. Conservator of Forest is directed to close the take off site comprised in Khasra Nos. 614, 615 and 616 and also the landing site comprised in Khasra No.260/3 by putting up a barbed wire at the cost of respondent No.5. The application stands disposed of."

Learned senior counsel appearing for the petitioner in the instant petition has brought to the notice of this Court today that landing site comprised in khasra No.260/3 which was directed to be closed by

way of above noticed order, still is lying open and is being used for the purpose for which it was prohibited.

Record reveals that the Conservator of Forest, Kullu, by way of an affidavit dated 8th August, 2023, had informed this Court that the landing site in khasra No.260/3 in Muhal Mahili Ser and Muhal Mandalgarh respectively had been fenced by respondent No.5 at his own expenses.

In his counter affidavit, petitioner has refuted the claim and even today it is maintained that there is no fencing on the landing site, which though had been installed in compliance to the aforesaid orders, but was simultaneously removed by respondent No.5.

The allegations are serious, and if established, will entail serious consequence.

In these circumstances, it is ordered that Secretary, District Legal Services Authority, Kullu, will visit the site i.e. Khasra No.260/3 in Muhal Mahili Ser, District Kullu, H.P., by associating Conservator of Forest, Kullu, Tehsildar and respondent No.5, on 29th September, 2023 positively and after getting the above landing site identified through demarcation, report whether the same has been fenced or not. Report be submitted to this Court on 4th October, 2023.

The Registry is directed to communicate this order to the Secretary, Legal Services Authority Kullu, positively by 1.00 P.M., on 28.09.2023.

(Satyen Vaidya)
Judge

27th September, 2023.
(jai)