



2023:HHC:9058

**Karam Chand Vs. State of H.P. and Ors.**

**CWPIL No. 85 of 2022**

**06.11.2024 Present:**

Mr. K.B. Khajuria, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, for the respondents/State.

Mr. Sat Prakash, Advocate, for respondent No. 4.

Mr. Gaurav Kumar, Advocate, for respondent No. 5.

Mr. Rajesh Kumar, Advocate, for Om Prakash, Deputy Ranger.

DSP Ranjan Sharma, Investigating Officer, Distt. Chamba, SDPO Salooni, is present in person.

Mr. Mahinder Singh, B.O. Sei Forest, Mr. Kamlesh Kumar, B.O. Tissa Forest, Sh. Ram Kishan A.M Forest Corporation, Sh. Om Prakash, B.O. Changu Forest Corporation, District Chamba, H.P., Sh. Ajay Kumar Forest Ranger, R.O. Thethen R.O. Tissa and Mr. Madan Lal Forest Guard, Tissa Range, are present in persons.

On 16.10.2024, this Court had passed the following

order:-

*“Heard. The deponent of the affidavit Om Prakash would have the Court believe that there is a reference of eleven number of trees in Annexure P-2 and the same were however not found on the spot and it is only on this pretext that affidavits after affidavits are being filed by the deponent.*

*We fail to understand that in case there were no trees, much less eleven trees on the spot, then how the volume thereof has been calculated and specified in the letter addressed by the deponent to the incharge, Police Station Tissa, vide Annexure P-2, dated 21.11.2022 and further how the volume otherwise has been worked out by the team that visited the spot, as is evident from Annexure R-2.*



*Confronted with this, learned counsel for the deponent Om Prakash prays for and is granted three weeks' time to file supplementary affidavit.*

*List on 06.11.2024, when Investigating Officer alongwith the entire team, which has prepared the documents (Annexure R-2), shall personally appear before this Court and explain their respective stand .”*

In compliance to the aforesaid order, the concerned officers/officials are present today.

We are not at all satisfied with the explanation offered either by the officers/officials of the Forest Department or by the officers/officials of the H.P. Forest Corporation.

As regards, the investigating agency, we cannot expect much from them given the fact that it is after a long time that the investigation in this case is now being carried out, that too, under the directions of this Court. If at all the illegal timbers were to be recovered, the task primarily vests with the officials of the Forest Department, who have specifically been entrusted with this task.

In the given facts and circumstances, we are clearly of the view that since a loss of Rs. 16, 67, 408.27/- has been caused to the State Exchequer, the same is to be recovered from the erring Contractor and the erring officers/officials.



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Let Conservator of Forests, Chamba, H.P. hold an inquiry into this aspect of the matter and fix a responsibility accordingly. In case, if it is necessary, he would also associates the officials from the State Forest Corporation, given the fact that it has specifically been stated in the letter dated 21.11.2022 by the then Deputy Ranger, Sh. Om Prakash that the timbers, out of certain unmarked trees, had been handed over to the Forest Corporation and were lying in their Depot. Such inquiry be completed within three months.

For compliance, to come up on **01.02.2025**.

**( Tarlok Singh Chauhan )**  
**Acting Chief Justice**

**(Satyen Vaidya)**  
**Judge**

**6<sup>th</sup> November, 2024**  
*(sushma)*