



Court on its own motion vs. State of H.P.
and others alongwith connected matter

CWPIL No.17 of 2014 and CWPIL No.9 of 2015

CWPIL No.17 of 2014

16.07.2025

Present:

Mr.J.L. Bhardwaj, Senior Advocate, as Amicus Curiae
with Mr.Sarthak Upadhyay, Advocate, for the
petitioner.

Mr.Anup Rattan, Advocate General, with Mr.Varun
Chandel, Additional Advocate General, for the
respondents-State.

None for others.

CWPIL No.9 of 2015

Mr.J.L. Bhardwaj, Senior Advocate, as Amicus Curiae
with Mr.Sarthak Upadhyay, Advocate, for the
petitioner.

Mr.Anup Rattan, Advocate General, with Mr.Varun
Chandel, Advocate, for the respondents No.1 to 11-
State.

Mr.Ravi Tanta, Advocate, through Video
Conferencing, for the respective applicants.

Mr.V.S. Chauhan & Mr.Ankush Dass Sood, Senior
Advocates, with M/s Arthav Ghairak & Gaurav
Chaudhari, Advocate, for respective applicants.

Mr.Peeyush Verma, Senior Advocate, with Mr.Ajay
Kumar, Advocate, for respective parties.

None for respondents No.12 to 24, 25 to 33 and 35
to 37.

Respondent No.34 is stated to have expired.

CMP Nos.15930 and 15931 of 2025

Further one week's time, as prayed, is granted to
the respondent-State to file response/comments/instructions
with respect to averments made in these applications.

List for consideration on 29.07.2025.

CWPIL Nos.17 of 2014 and 9 of 2015

Except Mast Ram, all others namely Sohan Lal,
Madan Lal, Dinesh Tajta, Kamla Devi, Lila Tajta, Sheela, Daya

Chauhan, Mira, Rita, Sanjay, Sandeep, Vikrant and Raj Kumar, are present in person.

Replies by all of them, except Mast Ram, stand filed. Be taken on record, if in order.

Learned counsel to ensure removal of objection, if any.

Above referred replies shall be considered, as prayed, on next date of hearing.

It has been submitted that reply on behalf of Mast Ram shall not be possible to be filed before next ten days because of his ailment and, therefore, request has been made to grant ten days' time to Mast Ram to file reply. Prayer is accepted.

Learned Additional Advocate General has placed on record fresh instructions dated 16.07.2025, received from Principal Chief Conservator of Forests (HoFF), Himachal Pradesh, whereby it has been informed as under:-

"The officials of Forest Department has felled 2456 trees of Apple and other fruit plants in aggregate from the encroached forest land in the Chaithla village till 15.07.2025 and operation is still going on. Apart from this, in Rohru Forest Division 713 and in Kotgarh Forest Division 490 numbers of fruit trees have been removed from the Encroached Forest land."

From the aforesaid instructions, it appears that action for removal of encroachment/orchards from the forest land is being undertaken only in Rohru Forest Division and Kotgarh Forest Division, including Village Chaithla, but in these instructions there is no information with respect to removal of encroachment/orchards in other area of State of Himachal

Pradesh. Therefore, it is again clarified, as also clarified in orders passed on previous dates, encroachment from the Government land/Forest land, including removal of fruit bearing trees from such land, has to be undertaken PAN Himachal Pradesh and it is not limited only to the area referred in instructions dated 16.07.2025.

Fresh status report indicating latest status with respect to action taken by the State in throughout the State of Himachal Pradesh, shall also be submitted by next date of hearing.

At this stage, it has also been pointed by learned Amicus Curiae that affidavit in compliance of judgment dated 08.01.2025 especially in terms of paragraph 35 thereof, has also not been filed by the concerned Authority(ies).

The concerned Authority(ies) are also directed to file compliance affidavit in terms of judgment dated 08.01.2025 especially with reference to paragraph 35 thereof, well before next date of hearing.

Learned Additional Advocate General is also directed to ensure removal of objection, if any, so that affidavit(s) in compliance are on record by next date of hearing.

It has been submitted by Mr.V.S. Chauhan, learned Senior Advocate, under instructions, that Sohan Lal is 78 years of age and he is suffering from various old aged problems and it is not possible for him to attend the Court on each and every date of hearing in the matter and, therefore, prayer has been made to exempt him from personal appearance in the Court on future dates.

Considering the aforesaid submissions, personal presence of Sohan Lal is exempted for future dates, subject to his presence as and when directed to do so.

List for consideration on 29.07.2025.

CMP No.16495/2025 in CWPIL No.9/2015

This application has been filed for exemption of Mast Ram on the ground that he is suffering from Cancer and since yesterday he is under treatment and, thus, is not in a position to attend the Court today.

For the reasons stated in the application, personal presence of Mast Ram is exempted for today in the Court.

Application is allowed and disposed of.

(Vivek Singh Thakur),
Judge.

(Bipin C. Negi),
Judge.

July 16, 2025
(Purohit)