

Raj Kumar Singh Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Mar-16-1999

Reported in : 1999(2)AWC1396

Judge : Ravi S. Dhavan and ;V.P. Goel, JJ.

Appeal No. : C.M.W.P. No. 21703 of 1998

Appellant : Raj Kumar Singh

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : A.D. Saunders, Adv.

Judgement :

Ravi S. Dhavan and V. P. Goel, JJ.

1. This petition has been filed to impugn the order of the District Magistrate, Lalitpur, Annexures-9 and 14 to the writ petition. In effect, the orders restrained the petitioner from carrying out any activity in the forest area, like cutting trees, etc. The petitioner contends that the forest must be demarcated, specifically, and no one has given a finding to this effect that the area in which the petitioner is carrying on his business is, in fact, the forest area. The District Magistrate, Lalitpur, has relied on the judgment of the Supreme Court in re. T.N. Godavarman

Thimmul Kpad v. Union of India, to pass his orders. In the circumstances, it cannot be said that the order of the District Magistrate, Lalitpur, lacks jurisdiction. The order is also not illegal as it is implementing orders and the judgment of the Supreme Court which, have been passed on the subject matter of forest. The District Magistrate, Lalitpur, has also noticed that he cannot recall the order by which the petitioner has been restrained from carrying on his operation as the Supreme Court has observed that the ecological imbalance which is taking place by the cutting of forests is to be prevented. The balance of the ecology is best left to nature and the High Court will not be in a position to give a clear cut guideline demarcating where exactly the forest begins or ends.

2. There is no illegality in the order of the District Magistrate. In fact, the writ petition is misconceived and is, accordingly, dismissed.

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