



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CWP-469-2017 (O&M)**

**Date of decision: 20.06.2025**

Vijay Bansal

...Petitioner

V/s

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ravi Sharma, Advocate,  
Mr. Sandeep Singh Sangwan, Advocate and  
Mr. Raywant Kaushish, Advocate for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana with  
Ms. V. Tyagi, Secretary (Forest), Haryana, (through V.C.)

Ms. Puneet Kaur Sekhon, Advocate for the applicant  
in CM-11760-CWP-2024.

\*\*\*\*\*

**SUMEET GOEL, JUDGE**

1. The *petition in hand* has been preferred, styled as a Public Interest Litigation, seeking, in essence, grant of a writ mandating the respondents to conduct the settlement, in terms of Punjab Land Revenue Act 1887 & Punjab Settlement Manual, of Morni Hills area and incidental directions.

2. Shorn of non-essential details, the relevant factual milieu of the *lis* in the *petition in hand* is adumbrated, thus:

(i) The petitioner, espousing the cause of public at large especially people living in the Morni Hills area, has urged that though the residents of Morning Hills area comes within the definition of traditional forest dwellers for all intents and purposes, but no efforts have been made to treat them as such.



(ii) Reference has been made to notification dated 18.12.1987 (hereinafter referred to as '*18.12.1987 notification*') bearing No.S.O.149/C.A.16/27/S.4/87 whereby the Government had decided to constitute the land specified in the Schedule in this notification as reserved forest, in exercise of powers conferred under Section 4(1) of Indian Forest Act, 1927 (hereinafter referred to as the '*1927 Act*').

(iii) Initially, the SDM of Kalka was appointed as a Forest Settlement Officer (hereinafter referred to as '*FSO*') and thereafter one Shri M.P. Sharma (a retired Indian Forest Services Officer) was appointed by the Government as an '*FSO*'.

(iv) During the course of proceedings, a Civil Miscellaneous Application (hereinafter referred to as *CM-11760-CWP-2024*) was filed by one Shri. M.P. Sharma, seeking his impleadment as respondent-intervener, primarily on the ground that he may be permitted to continue as *FSO* till completion of settlement process and publication of requisite final notification.

It is in this factual backdrop, that the present writ petition came up for receiving consideration at the hands of this Court.

### **Rival Submissions**

3. Learned counsel appearing for the petitioner has argued that the forest area(s) in the Morni Block in the State of Haryana has been ignored, from the view point of the dwellers of the said area as also forest/environmental issues. It has been urged that the State is bestowed with statutory and Constitutional duty to upkeep the forest area, for protecting the environment as also the rights of the dwellers residing therein.



Learned counsel has further iterated that the various demand notices/legal notices have been issued to the State but to no avail.

3.1. Notice of motion was issued whereinafter the respondent(s)/State of Haryana and its functionaries have filed various affidavit(s) in response to the petition. The most relevant therein is an affidavit dated 04.03.2025 filed by Sh. Atul J. Sirsikar, Secretary to Govt. Of Haryana, Forest & Wildlife Department, Chandigarh, relevant whereof reads thus:

*“6. That reference may be made to section 4 of the Indian Forest Act wherein it has been stated that when it is decided to constitute any land a reserved forest, a Forest Settlement Officer (FSO) is to be appointed to inquire into and determine the existence, nature and extent of any rights claimed by any person in or over any land comprised within limits of such reserved forest, or in or over any forest-produce. The appointed forest settlement officer then decides whether to admit or reject those claims, ensuring the continued exercise of legitimate rights while maintaining the integrity of the reserved forest area. Previously, SDM Kalka was appointed as the Forest Settlement Officer. However, later Sh. M.P. Sharma, IFS (Retd.) was appointed by Government as the new Forest Settlement Officer (FSO) w.e.f. 01.08.2018 after CWP No. 469 of 2017 titled as Vijay Bansal vs. State of Haryana was filed in Hon'ble Punjab & Haryana High Court to address the issues of ownership and encroachments in 14 Bhoj area.*

*7. That it is pertinent to mention here that the Forest Settlement Officer can begin his work of settlement of forest rights in the area as per provisions of the Indian Forest Act, 1927, once the demarcation of forests and non-forest land is done by the Revenue Department based on mapping and the existing revenue records. Clearly, the Forest Settlement Officer has no role in carrying out demarcation of forest and non-forest lands.*

*8. That it is further submitted that due to complexity of issue, the task of demarcation of Forest and Non-Forest Lands using GIS based technology was assigned to the Survey of India (Sol), which has completed the survey using LiDAR based data in 14 Bhoj area. The detailed information and maps have already been provided by Survey of*



*India to Revenue Department, Haryana for 152 Baas in this area for carrying out ground verification.*

*9. That a Committee of the Revenue Department, Haryana is also coordinating this exercise with Survey of India in association with Forest Department. Accordingly, the ground verification of maps prepared by Survey of India shall be done jointly by Revenue and Forest Departments. This exercise for two Bhoj areas namely Bhoj Koti and Bhoj Nagal shall be completed by end of March 2025, after which the work will be replicated in remaining Bhoj areas also.*

*10. That the job of Forest Settlement Officer (FSO) is to settle forest rights after the demarcation between forest and non-forest lands alongwith ground verification is completed by the Government authorities. So, at this stage, there seems to be no necessity of providing the man-power from Forest and Revenue Departments and the scientific personnel related to GIS etc. to the Forest Settlement Officer as demanded by him. The Survey of India, Revenue Department and Forest Department have already used the required man-power jointly to accomplish the task of mapping and demarcation, for which now ground verification shall be done by them. After the demarcation and ground verification work is over, the existing staff of Forest and Revenue Departments can facilitate the Forest Settlement Officer to complete the task related to settlement of forest rights at that time as per provisions of Indian Forest Act, 1927.*

*11. That it is further submitted that sincere efforts are being made to carry out demarcation of forest and non-forest land in Morni Hills, as expeditiously as possible. The digitization of masavis (mapping sheets) and Geo Referencing of 168 (villages dhanis) has been completed in the 14 Bhoj by the Survey of India and Revenue authorities of district Panchkula. After receiving digital maps from the Survey of India, the task of ground delineation is being carried out by the Revenue authorities by going on the spot/ ground level. The work of Geo Referencing is being continuously done by the Revenue officials in association with the Survey of India.*

*12. That to summarize the progress so far, the mapping of Forest areas of 14 Bhoj in Morni Hills has been completed by Survey of India using LiDAR technologies. Joint survey work of ground verification of forest land by the Forest Department, Revenue Department and Survey of India will be initiated from two bhojs i.e. Bhoj Kothi and Bhoj Jabyal shall be completed before end of March 2025 and then shall be taken up in the remaining areas also as expeditiously as possible, subject to the technological constraints.*



13. *That therefore, it is requested to provide at least 6 months' time to complete the ground verification of the demarcation carried out by Survey of India (Sol) in 172 Baas, 14 Bhoj area in the Morni Hills jointly by Revenue and Forest Departments before the settlement of forest rights is taken up by the Forest Settlement Officer.*

14. *That as mentioned above, the demarcation of 2 Bhojs i.e. Bhoj Kothi and Bhoj Jabyal would be complete by end of March 2025 and therefore 2 Kanungo and 2 Patwaris would be provided to the FSO to undertake the settlement work in above said two Bhojs and rest of the manpower/infrastructure will be provided to the FSO in gradual manner as the work progress continues in rest of the Bhojs of Morni Hills. Hence, meeting the complete demand of manpower by FSO would not be justified to start the settlement work into 2 Bhojs."*

Learned State counsel, while raising submission in tandem with the pleadings filed by the State especially the above affidavit dated 04.03.2025, has argued that the State has already issued 18.12.1987 notification thereby making clear its intent to declare the land scheduled therein to be a Reserved Forest and all requisite efforts are being made to carry out the said exercise at the earliest. Learned counsel has urged that the mapping of the forest areas of Morni hills has been completed in part and strenuous efforts are being undertaken to complete the ground verification and other incidental steps, of the remaining areas at the earliest. Learned State counsel has further urged that the FSO has been provided with sufficient infrastructure/man-power, as per his current requirement, and further infrastructure etc. shall be provided to the FSO as and when the need arises and requisition is made in that behalf.

3.2. Learned counsel appearing for the applicant in CM-11760-CWP-2024 has urged that the applicant-Sh. M.P. Sharma has served as an Indian Forest Service Officer for more than three decades in the State of Haryana out of which he has worked in the Morni hills area for multiple



years. It has been urged that, since the applicant, is well versed with the topography and other issues pertaining to Morni hills area, it would be expedient to allow him work as *FSO* after being provided with requisite infrastructure.

4. We have heard learned counsel for the rival parties and have perused the record.

#### **Prime Issue**

5. The prime issue that arises for cogitation in the *petition in hand* is as to whether the settlement of the Morning Hills area, including the process of demarcation, is required to be carried out entirely by the Forest Settlement Officer alone, and expeditiously or not?

#### **Analysis**

6. The *1927 Act* remains a pivotal legislative instrument within the corpus of Indian environmental jurisprudence, notwithstanding its historical antecedents in the pre-independence era. Enacted primarily to amalgamate and modify extent statutes pertaining to forests and arboreal produce, it has, for nearly a century, furnished the quintessential legal framework underpinning forest administration across the subcontinent.

An analytical perusal of the statutory frame-work of the *1927 Act* clearly enunciates, whenever the State Government intends to designate any land as a *Reserved Forest*, it is mandatorily incumbent upon it to issue a formal notification published in the official gazette under Section 4 of *1927 Act* to the following extent:

Section 4 of the *1927 Act*, reads as under:-



***“4. Notification by State Government. (1) Whenever it has been decided to constitute any land a reserved forest, the [State Government] shall issue a notification in the [Official Gazette] —***

***(a) declaring that it has been decided to constitute such land a reserved forest;***

***(b) specifying, as nearly as possible, the situation and limits of such land; and***

***(c) appointing an officer (hereinafter called the Forest Settlement Officer) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.”***

Chapter II of 1927 Act is a complete code qua the subject of Reserved Forest. This chapter provides for constitution of reserved forest, the cessation of rights in the reserved forest, appointment of & proclamation by Forest Settlement Officer, powers & functions of Forest Settlement Officer, settlement by adjudication or by extinction of rights of persons who fail to prefer objections, including creation of Appellate Forum for adjudicating grievances against orders passed by *FSO* under Sections 11, 12, 15 & 16 of 1927 Act. After the due process prescribed in Sections 4 to 18 of 1927 Act is completed the final notification under Section 20, notifying the area concerned to be Reserved Forest is issued and published in the official gazette.

Since the State has raised the objection, that *FSO* has no jurisdiction to conduct demarcation & survey of the area proposed to be proclaimed as Reserved Forest, and the said power lies within the exclusive domain of the Revenue Authorities, it would be apt to deal with this objection.



Section 8 of *1927 Act* provides for the powers of *FSO*, which for ready reference & convenience is reproduced below:-

*“8. Powers of Forest Settlement Officer:- For the purpose of such inquiry the Forest Settlement Officer may exercise the following powers, that is to say:-  
(a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and  
(b) the powers of a Civil Court in the trial of suits”*

Bare perusal of the aforesaid section reveals that the statute vests power with the *FSO* to *inter alia* conduct survey, demarcation, making maps and act as a Civil Court.

As per the averment in para 7 of Affidavit of Atul. J. Sirsikar, Secretary Department of Forest & Wildlife, Government of Haryana dated 04.03.2025, the State of Haryana seems to be under a misconception that the function & power of carrying out demarcation is out of the jurisdictional purview of *FSO*. In fact the contrary is spelt out from Section 8 of *1927 Act*. This provision in no uncertain terms statutorily empowers the *FSO* to conduct demarcation and survey in areas decided under Section 4 to be constituted as Reserved Forest.

The State of Haryana seems to be labouring under a further misconception that the exercise of demarcation in area proposed under Section 4 as Reserved Forest, is to be undertaken by the Revenue Authorities under the Punjab Land Revenue Act 1887 read with Punjab Land Preservation Act 1900. Needless to emphasize that on issuance of Section 4 notification, *inter alia* the *FSO* is appointed. The *FSO* is vested with powers to *inter alia* conduct survey and demarcation.

Once a special law i.e. Indian Forest Act 1927 is enacted covering the entire subject matter of Reserved Forest, the *FSO* assumes exclusive jurisdiction for performing all substantive and ancillary functions



including demarcation & survey. The general law i.e. Punjab Land Revenue Act 1887 & Punjab Land Preservation Act 1900 stand excluded qua the subject matters covered by the Indian Forest Act 1927. It is well-settled under the principle of statutory interpretation viz., *Generalia Specialibus Non Derogant*, that the general law (1887 Act & 1900 Act) stands excluded in its application to the extent provided for by subsequent special law. Profitable reference can be made herein to a judgment of the Hon'ble Supreme Court titled as ***Jose Paulo Coutinho vs. Maria Luiza Valentina Pereira & anr., 2019(20) SCC 85***, relevant whereof reads thus:

*“29. It is a well settled principle of statutory interpretation that when there is a conflict between the general law and the special law then the special law shall prevail. This principle will apply with greater force to special law which is also additionally a local law. This judicial principle is based on the latin maxim generalia specialibus non derogant, i.e., general law yields to special law should they operate in the same field on the same subject. Reference may be made to the decision of this Court in R.S. Ragunath vs. State of Karnataka & Ors. (1992) 1 SCC 335, Commercial Tax Officer, Rajasthan v. Binani Cements Ltd. & Ors, (2014) 8 SCC 319 and Atma Ram Properties Pvt. Ltd. vs. The Oriental Insurance Co. Ltd., (2018) 2 SCC 27.”*

Consequently, once *FSO* has been appointed (as is the case herein) the function & power of conducting all tasks provided in Chapter II of *1927 Act* including power to conduct survey & demarcation is exclusively vested in *FSO* to the exclusion of Revenue Authorities. However the *FSO* can very well take the assistance of functionaries of forest or/and Revenue Department.

Therefore the entire exercise of survey & demarcation being done by Revenue Authorities is required to be handed over to the *FSO* already appointed, who shall henceforth conduct & conclude the survey, demarcation, preparation of maps and discharging all functions under Chapter II of *1927 Act*.



7. A further examination of the provisions of the *1927 Act* unequivocally reveals that the designation of an *FSO*, coupled with vesting of such officer with all necessary and requisite resources, constitutes an essential and non-derogable element of the entire process. The *FSO* is tasked with a pivotal and exigent role in this intricate legal and administrative journey, undertaking meticulous inquiries into claims of rights & adjudicating upon the same. The *FSO*'s function, therefore, is not merely ancillary but fundamentally integral to the legitimate establishment of a *Reserved Forest*. The entire process of declaring a land as a *Reserved Forest* ultimately attains finality upon the comprehensive fulfillment of the requirement prescribed in Chapter II of *1927 Act* & culminating in issuance and publication of notification under Section 20 thereof.

8. The factual milieu of the *case in hand* reflects that notification under Section 4(1) of the Act was issued by the State Government way-back on 18.12.1987. The pleadings filed by the State Government, especially affidavit dated 04.03.2025, reflects a sordid state of affairs, insomuch as, since the year 1987 no concrete steps appear to have been taken.

9. Articles 48-A of the Constitution of India, though not justiciable in a Court of law, but binds the State to treat it as fundamental in the governance of the nation and while making laws. It imposes a positive and peremptory imperative upon the State to strive for the improvement of the environment and the vigilant protection and safeguarding of forests and wildlife. The supine inaction of the State in adhering to the dictates of this foundational Article constitutes not merely a perfunctory disavowal of a directive principle of state policy, but stands as an outrageous affront to the capacious ambit of Article 21 of the Constitution. The latter, by virtue of



judicial pronouncements, unequivocally subsumes within its protective ken the infeasible right to a salubrious and unpolluted environment, thereby encompassing the imperative for the preservation of natural flora and fauna, including, inter alia, the forests. Such dereliction, therefore, transmutes from a procedural lapse into a direct infringement upon a fundamental human right.

9.1. In the year 1854, precisely one hundred and seventy one year antecedent to the current juncture, a formal overture was extended by the ‘*Great White Chief in Washington*’ to the ‘*Wise Indian Chief of Seattle*’ concerning the acquisition of their ancestral territories. The subsequent rejoinder from the latter, is, by universal acclaim, a document of profound sagacity, endowed with an inherent aesthetic grace, and imbued with an enduring relevance that defies the passage of epochs; which met with approval by the Hon’ble Supreme Court in a case titled as ***Shri Sachidanand Pandey and another vs. The State of W.B. and others, 1987(2) SCC 295***; relevant whereof reads, thus:

*“How can you buy or sell the sky, the warmth of the land? The idea is strange to us.*

*“If we do not own the freshness of the air and the sparkle of the water, how can you buy them?”*

*“Every part of the earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people. The Sap which courses through the trees carries the memories of the red man.*

*"The white man's dead forget the country of their birth when they go to walk among the stars. Our dead never forget this beautiful earth, for it is the mother of the red man. We are part of the earth and it is part of us. The perfumed flowers are our sisters; the horse, the great eagle, these are our brothers. The rocky crests, the juices in the meadows, the body heat of the pony, and man—all belong to the same family.*



xxx xxx xxx xxx

*The air is precious to the red man, for all things share the same breath--the beast, the tree, the man, they all share the same breath. The white man does not seem to notice the air he breathes. Like a man dying for many days, he is numb to the stench. But if we sell you our land, you must remember that the air is precious to us, that the air shares its spirit with all the life it supports. The wind that gave our grandfather his first breath also receives the last sigh. And if we sell you our land, you must keep it apart and sacred as a place where even the white man can go to taste the wind that is sweetened by the meadows flowers.*

xxx xxx xxx xxx  
xxx xxx xxx xxx

*“This we know: The earth does not belong to man; man belongs to the earth. This we know: All things are connected-like the blood which unites one family. All things are con- nected.*

*"Whatever befalls the earth befalls the sons of the earth. Man did not weave to web of life: he is merely a strand in it. Whatever he does to the web he does to himself.*

xxx xxx xxx xxx  
xxx xxx xxx xxx

*“But in your perishing you will shine brightly, fired by the strength of the God who brought you to this land and for some special purpose gave you dominion over this land and over the red man. That destiny is a mystery to us, for we do not understand when the wild buffalo are all slaughtered, the wild horses are tamed, the secret corners of the forest heavy with scent of many men and the view of the ripe hills blotted by talking wires. Where is the thicket?*

*Gone. Where is the eagle?  
Gone. The end of living and the beginning of survival.”*

9.2. Further, the Hon’ble Supreme Court in **Shri Sachidanand Pandey** case (supra), enunciated thus:

*“Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind [Art. 48A](#) of the Constitution. The Directive Principle which enjoins that "The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country," and [Art. 51A\(g\)](#) which proclaims it to be the fundamental duty of every citizen of India "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures." When the Court is called upon to give effect to the*



*Directive Principle and the fundamental duty, the Court is not to shrug its shoulders and say that priorities are a matter of policy and so it is a matter for the policy-making authority. The least that the Court may do is to examine whether appropriate consideration are borne in mind and irrelevancies excluded. ”*

9.3. Furthermore, in a case titled as ***Virender Gaur and others vs. State of Haryana and others, 1995(2) SCC 577***, it was observed by the Hon’ble Supreme Court as under:

*“The State, in particular has duty in that behalf and to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment. [Article 21](#) protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental pollution. Environmental ecological, air, water, pollution, etc. should be regarded as amounting to violation of [Article 21](#). Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment. Environmental protection, therefore, has now become a matter of grave concern for human existence, Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment Therefore, there is a constitutional imperative on the State Government and the municipalities, not only to ensure and safe-guard proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment.”*

9.4. More recently, a Three Judge Bench of the Hon’ble Supreme Court, in a case titled as ***M.K. Ranjitsinh &Ors. Vs. Union of India &Ors. 2024 SCC Online SC 570***, has observed thus:

*“20. [Article 48A](#) of the Constitution provides that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. Clause (g) of [Article 51A](#) stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to*



*have compassion for living creatures. Although these are not justiciable provisions of the Constitution, they are indications that the Constitution recognises the importance of the natural world. The importance of the environment, as indicated by these provisions, becomes a right in other parts of the Constitution. Article 21 recognises the right to life and personal liberty while Article 14 indicates that all persons shall have equality before law and the equal protection of laws. These articles are important sources of the right to a clean environment and the right against the adverse effects of climate change.”*

10. The procrastination exercised by the State Government subsequent to the issuance of notification under Section 4 of the *1927 Act*, in 1987 i.e. the *18.12.1987 notification*, presents a lamentable illustration of classic administrative lethargy. To permit nearly four decades to elapse without any discernible, substantive action flowing from a statutory declaration is, to put it mildly, an affront to the principles of effective governance and a manifest failure at the end of concerned officers, both statutory and Constitutional. Such inaction on the part of such officers, particularly in a matter of such profound public importance, merits the unequivocal condemnation of this Court. The State, as the ultimate custodian and protector of its citizens' rights, is endowed with a solemn responsibility to act with dispatch and diligence, especially when confronted with issues of pressing environmental concern. The prolonged failure to finalize the process initiated by the *18.12.1987 notification*, undermines the very spirit of the *1927 Act* and betrays a shocking lack of urgency. The proverb, “*Action is the proper fruit of knowledge*,” stands in stark contrast to the State's current posture. This Court, therefore, finds itself compelled to deprecate, in the strongest possible terms, the protracted official lethargy and its discernible unwillingness to discharge its solemn responsibilities in a



timely and conscientious manner. *The time for resolute action is not tomorrow, but now.*

10.1. In light of the foregoing exposition, concerning the slumber on the part of the official machinery, this Court deems it not merely appropriate, but indeed a solemn duty, to issue a writ in the nature of *mandamus*. This extraordinary remedy is necessitated to compel the concerned official(s) authorities to undertake, with immediate and unwavering resolve, all consequential steps in furtherance of the *18.12.1987 notification* – for to permit such inordinate inaction and pervasive sluggishness to persist would be to allow the very object and purpose of the *1927 Act*, to be utterly defeated, rendering a vital piece of legislation a mere dead letter on the statute book. It would be germane to refer herein to an observation made by a three Judge Bench of the Hon’ble Supreme Court in a case titled as ***The Comptroller and Auditor General of India and another Vs. K.S. Jagannathan and another, 1987 AIR Supreme Court 537***, relevant whereof reads thus:

*“20. There is thus no doubt that the High Courts in India exercising their jurisdiction under Article 226 have the power to issue a writ of mandamus or a writ in the nature of mandamus or to pass orders and give necessary directions where the Government or a public authority has failed to exercise or has wrongly exercised the discretion conferred upon it by a statute or a rule or a policy decision of the Government or has exercised such discretion mala fide or on irrelevant considerations or by ignoring the relevant considerations and materials or in such a manner as to frustrate the object of conferring such discretion or the policy for implementing which such discretion has been conferred. In all such cases and in any other fit and proper case a High Court can, in the exercise of its jurisdiction under Article 226, issue a writ of mandamus or a writ in the nature of mandamus or pass orders and give directions to compel the performance in a proper and lawful manner of the discretion conferred upon the Government or a public authority, and in a proper case, in order*



*to prevent injustice resulting to the concerned parties, the Court may itself pass an order or give directions which the Government or the public authority should have passed or given had it properly and lawfully exercised its discretion.”*

The Morni Hills, are serving as the prime green cover acting as lungs for tri-city of Chandigarh – Panchkula – Mohali. Indubitably, the authorities are required to take a decision, one way or the other, regarding completion of the process which begins with issuance of notification under Section 4(1) of the *1927 Act* and culminates upon a notification issued under Section 20 of the *1927 Act*.

### **Decision**

11. In view of the discussion hereinabove, the *petition in hand* is disposed of in the following terms:

(i) The *FSO* is mandated to, forthwith, take requisite steps to ensure expeditious submission of his report with a further direction to State of Haryana to thereafter issue notification under Section 20 of *1927 Act* of the scheduled land as a Reserved Forest latest by 31.12.2025.

(ii) The *FSO* shall be handed over all the documents qua demarcation & survey which are presently in possession of the Revenue Authorities, Forest Authorities & Survey of India & the *FSO* shall be provided, forthwith, with all requisite facilities/infrastructure to enable him to discharge his duties contemplated in Chapter II of *1927 Act* including making inquiry, entry, survey, demarcation, preparing map, acquiring land and exercising powers of a Civil Court, etc.

(iii) The interim order passed by this Court restraining all non-forest activities in the Morni Hills area shown in notification dated 18.12.1987, shall continue till issuance of Section 20 of *1927 Act* notification.



(iv) Pending application(s), if any, shall also stands disposed of.

(v) No order as to costs.

12. The Forest Secretary, Haryana is directed to file a compliance-affidavit, in terms of the directions made hereinabove, within seven months from today, failure wherein may invite punitive consequences (as per law) for the officer concerned as also other concerned functionaries. Be put up in the 2<sup>nd</sup> week of January, 2026 for consideration of such compliance-affidavit.

**(SUMEET GOEL)**  
**JUDGE**

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

June 20, 2025  
*Ajay/Jatin*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No