

Himachal High Court Orders Statewide Eviction of Forest Encroachments



The Himachal Pradesh High Court has reiterated its firm stance on the widespread issue of forest land encroachment, directing the state government to ensure the removal of all encroachments across the entire state. This includes the felling of apple and other fruit trees illegally planted on forest land, a directive that has stirred considerable discussion, particularly within the state's significant apple-growing regions.

The division bench, comprising Justice Vivek Singh Thakur and Justice Bipin C. Negi, emphasized on Wednesday, July 16, that the order for removal applies uniformly across Himachal Pradesh and is not limited to specific areas or to instances where encroachers are attempting to reoccupy previously cleared land. This clarification came after the state government's initial interpretations of earlier court orders appeared to suggest a more restricted scope for the eviction drive. The court explicitly stated that any selective action would violate Article 14 of the Constitution, which ensures equality before the law.

The High Court's directives stem from Public Interest Litigations (PILs) initiated nearly a decade ago, addressing the extensive illegal occupation of forest lands. During the recent hearing, the court was informed that officials from the forest and revenue departments, as part of the ongoing drive, have already removed over 2,000 apple and other fruit trees from encroached forest land in various villages.

A key aspect of the court's order is the direction to recover the cost of felling, stump removal, and subsequent reforestation from the encroachers. The court also instructed the state to

submit a fresh status report detailing strict compliance with its orders and to provide an account of the undue profits earned by encroachers from utilizing the land and cultivating crops or orchards over the years so that recovery proceedings can be initiated against them.

This stringent approach by the judiciary aims to restore ecological balance and enforce land regulations. The court highlighted that apple trees are non-forest species, and their presence on forest land, particularly with the associated need for chemical sprays, could harm adjacent legal orchards and burden the state. Despite the legal clarity, the timing of the eviction drive has drawn criticism from some quarters, including Education Minister Rohit Thakur, who noted that cutting fruit-bearing trees during the monsoon season, when the crop is nearing harvest, is a serious concern for small farmers. Nevertheless, the High Court's directives underscore a firm commitment to reclaiming public forest lands across Himachal Pradesh.