

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT.**

BEFORE:-

MR. JUSTICE WAZIR SHAKEEL AHMAD, JUDGE.

(Chamber Appeal)
C. Misc. No. 94/2020
in
Civil Misc.No. 119/2020
in
CPLA No. 82/2020.

1. Provincial Government through Chief Secretary Gilgit-Baltistan, Gilgit.
2. Secretary Forest Gilgit-Baltistan, Gilgit.
3. Chief Conservator Forest Gilgit-Baltistan, Gilgit.
4. Conservator Forest Diامر/Astore Circle.
5. DFO Chillas District Diامر.
6. RFO Chillas District Diامر.

Petitioners.

VERSUS

Abdul Ghayas s/o Babar Khan.

Respondent.

Present:-

1. The Advocate General Gilgit-Baltistan on behalf of the petitioners.
2. Mr. Rehmat Ali, Advocate for the respondent,
3. Mr. Ali Nazar Khan, Advocate-on-Record.

**Date of Hearings: - 16-10-2020, 10-11-2020, 18-11-2020, 30-11-2020
& 03-12-2020.**

Date of Detail Judgment:- 04/12/2020.

JUDGMENT.

Wazir Shakeel Ahmad, J..... Through this petition titled above the petitioners have sought leave to appeal against the judgment/order of the Chief Court Gilgit-Baltistan dated 20-08-2020, whereby the writ petition of the present respondent was accepted with the direction to the present petitioners to allow the respondent

to transport timber in volume of 14274.40 CFT as per permit number 407/2020, from Chillas to Rawalpindi. The present controversy cropped up when the Petitioner No.2 through his Section officer withdrew the letter dated 10-06-2020, issued by the office of the respondent No.2 with the direction to the petitioner No.3 to ensure that no timber may be transported as allowed in the earlier letter dated 10-06-2020.

2. The brief facts of the case are that the respondent applied for a transport permit before the petitioners on 14-02-2020, under timber disposal policy 2020, pertaining to transport of timber measuring 30,000/- CFT situated at Botogah Chillas. The application of the petitioner was dully processed by the respondent No.2 by seeking report from the concerned authorities. The respondent No.5 vide letter dated 12-03-2020, on the basis of report of Regional Forest Officer respondent No. 6 acknowledged the said permit of timber measuring 30,000/- CFT is lying on the spot at Botogah Chillas and the name of the applicant is reflected in the list of 2015, and thereby sought further proper guidance and permission regarding disposal of the said timber. It is also on record that the petitioner No.4/ Conservator Forest Diامر/Astore Circle vide letter dated 15-04-2020, confirmed that the assessment/checking team had erroneously missed the name insertion of the name of the respondent in the timber assessment list (TAL 2020) inspite of the fact that name of the respondent was there in the assessment list of timber policy of 2015.

3. The Chief Conservator Forest/Petitioner No. 3 vide letter dated 14-05-2020 forwarded the case of the petitioner No. 2/ Secretary

Forest with the recommendation that the impugned timber was included in the list of 2015, and the same could not be included in assessment list of 2020, further seeking guidance from petitioner No.2. In the result of above long proceedings the Secretary Forest petitioner No.2 was pleased to approve inclusion of 30,000/- CFT illegal timber in the assessment list of 2020, infavour of the respondent from Botogah Chillas on the basis of recommendation of DFO, Chief Conservator and Conservator Forest i.e. petitioner No.2 to 4 for completion of other codal formalities as per timber disposal policy 2020.

4. The petitioner No.5 DFO Chillas vide office order 23-06-2020, seeking detail report of the timber letter submission of marking list for approval and further transportation under the policy 2020. The RFO visited the site physically for necessary verification and after completion of the same the petitioner was allowed to deposit number of fees, royalty etc. for transportation of 14275/- CFT as per transport permit. That after fulfilling all the requirements and paying all the dues the respondent got loaded timber into the trucks and was about to move towards down country meanwhile the petitioner No.2 got issued inspection order dated 22-07-2020, which is culminated into the filing a writ petition by the respondent which was allowed vide above referred judgment hence this leave to appeal.

5. After hearing the parties and going through the available record it is crystal clear that the timber in question was reflected in the timber policy of 2015, which could not reflected in the latest policy of 2020, due to some dispute regarding the ownership of the same. This

hard fact is admitted by the report of the concerned staff who verified the same on the spot. The Advocate General Gilgit-Baltistan, could not deny the hard fact about the inclusion of the timber in question and how can he do so in the presence of the available record in the case file, for the sake of arguments it is further frankly and rightly conceded by the Advocate General Gilgit-Baltistan, appearing on behalf of the petitioner that there is no record of initiation of any inquiry by the concerned authority i.e. petitioner No. 1 and 2 against the remaining petitioners regarding illegally furnishing false report pertaining to the timber in question.

6. In the light of what has been stated above, I do not see any occasion to interfere into the just an equitable conclusion arrived at by the Chief Court Gilgit-Baltistan, in its detail judgment dated 20-08-2020, and by maintaining the same this CPLA No. 82/2020, is converted into an appeal and hereby dismissed being devoid of any substance what so ever.

Announced:- 04 /12/2020.

JUDGE

Whether the case is fit for reporting: Yes/No?