

Court No. - 40

Case :- WRIT - C No. - 35369 of 2023

Petitioner :- Virjhan Alias Virjhan Yadav And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Dinesh Prasad

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

Order on the Amendment Application :

1. Heard.

2. This is an application seeking amendment in the prayer of stay application and in Para 1 and 2 of the writ petition and in the prayer of writ petition also, in place of 'Gata No. 521', Gata No. 551 has been typed. Error is clearly typographical.

3. The Amendment Application is allowed. The amendment as prayed for in the application be carried out during course of the day.

Order on the writ petition :

1. Heard learned counsel for the petitioners and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. By means of present writ petition, the petitioners have prayed for mandamus commanding the respondents-Forest Authorities not to dispossess the petitioners from Gata No. 508-Ka, area 0.5380 and Gata No. 521, area 0.400 hectare, situated in Village- Kharpathar, Pargana & Tehsil- Dudhi, District- Sonbhadra till disposal of Suit No. NIL of 2020 filed on 25.06.2020 seeking remedy under Section 9/11 of Indian Forest Act pending before Forest Settlement Officer, Obra, Sonbhadra.

3. The petitioners claim that they belong to Other Backward Category and when the notification under Section 4 of the Indian Forest Act was issued, the petitioners were not given any notice, therefore, they could not file objections before the Forest Settlement Officer, however, when they came to know about the said proceeding, they have filed a Suit before the Forest Settlement Officer bearing Suit No. NIL of 2020, under Section 9/11 of Indian Forest Act.

4. Learned counsel for the petitioners makes a statement at bar

that till date Notification under Section 20 of the Act has not been issued and in support of his submission has placed reliance on order dated 23.08.2022 passed by coordinate bench of this Court in Writ-C No.20807 of 2022 (Male vs. State of U.P. and 2 others) and prays that similar indulgence may be accorded to the petitioners.

5. The Court is, therefore, of the view that if the notification under Section 20 of the Indian Forest Act has not been made till date, the objection under Section 9/11 of the Indian Forest Act be decided expeditiously within a period of two months from the date of presentation of a certified copy unless there is any legal impediment.

6. For a period of two months or till the disposal of the objection filed under Section 9/11 of the Indian Forest Act whichever is earlier, status quo as of today shall be maintained, qua to the disputed land.

7. With these observations, the writ petition is **disposed of**.

Order Date :- 17.10.2023

Rama Kant