

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1141 of 2015

1. Rameshwar Patel S/o Sobind Ram Patel Aged About 45 years
2. Bhuvaneshwar Patel S/o Sovidram Aged About 45 Years
3. Mohit Lal Patel S/oo Govind Ram Patel Aged About 54 Years
4. Bharat Bariha S/o Shyamsundar Bariha Aged About 31 Years
5. Chaharam Chouhan S/o Pusau Chouhan Aged About 53 Years
6. Sarwan Patel S/o Chamru Aged About 45 Years
7. Sadhram Kenwat S/o Vidyadhar Aged About 40 Years
8. Gorelal Shrivass S/o Balku Shrivass Aged About 54 Years
9. Heera Lal Patel S/o Than Singh Patel Aged About 40 Years

All are R/O Village Kesharpur, Gram Panchayat, Bamhani, Tahsil Pithora District
Mahasamund (C.G.)

----Petitioners

Versus

1. State Of Chhattisgarh Through - The Secretary Department Of Forest, Mahanadi Bhavan, Mantralaya, New Raipur Distt. Raipur Chhattisgarh
2. State Of Chhattisgarh Through - The Secretary Department Of Revenue And Disaster Management, Mahanadi Bhavan, Mantralaya, New Raipur District Raipur Chhattisgarh
3. Collector Mahasamund District Mahasamund Chhattisgarh
4. Sub Divisional Officer (R) Pithora, District Mahasamund Chhattisgarh
5. Tahsildar Pithoura, District Mahasamund Chhattisgarh

6. Sarpanch Gram Panchayat Bamhani, District Mahasamund Chhattisgarh

---- Respondents

For Petitioners. : Shri Kishore Narayan, Advocate

For Respondents 1 to 5 /State. : Shri R.K. Gupta, Dy. A.G., on advance copy

Order On Board

09/07/2015

Heard on admission.

1. Shri Gupta, Dy. A.G. for the State, under instructions, submits that at present, the inquiry on petitioner's application is going on and prima-facie, the authorities have found that it is not a forest land.

2. Learned counsel for the petitioners, referring to panchnama prepared by Gram-Panchayat, submits that the Gram-Panchayat has certified it to be a forest land.

It appears that the petitioners who are occupying certain piece of land, which according to them is forest land. The petitioners claim to be forest dwellers. Application filed by the petitioners are pending before the Sub-Divisional Level Committee which is competent to decide such application for grant of forest rights.

3. Therefore, in these circumstances, particularly when decision on petitioners' application would require inquiry into facts regarding status of the land and petitioners' own status, it would be proper, at this stage, to dispose off the matter with a direction that the applications filed by the respective petitioners be considered and decided by the competent authority on its own merits in accordance with law.

4. Taking into consideration the statutory scheme under Sub-Section (5) of Section 4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, no coercive steps shall be taken against the petitioners by any of the authority till

their applications are decided one way or the other by the competent authority.

5. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge