

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 771 of 2012**

1. Geeta Yadav W/o (Late) Amarjeet Yadavm, aged about 55 years, R/o Majhipara, village Sargawa, Tahsil Ambikapur Distt. Sarguja Cg

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through : The Secretary, Department of Revenue, Mantralaya, DKS Bhavan, Raipur (C.G.)
2. Collector Ambikapur Distt. Sarguja Cg
3. Sub Divisional Officer (Reve) Tah. Ambikapur Distt. Sarguja CG.
4. Tehsildar, Tehsil Ambikapur, Distt. Sarguja CG
5. Divisional Forest Officer, South Sarguja Forest Range Ambikapur Distt. Sarguja CG
6. Rangu Sahu S/o Lt. Jadu Sahu, aged about 65 years, R/o Village Amtahi Tah. Kusmi, Distt. Balrampur, Presently residing near Sanjay Park, Ambikapur Distt. Sarguja CG
7. Narendra Kumar Agrawal S/o Rambhagat Agrawal, R/o Kharsiya Road, Ambikapur Tah. & Distt. Sarguja Cg

---- **Respondents**

For Petitioner.	:	Shri Shishir Dixit, Advocate.
For Respondents 1 to 5.	:	Shri Adhiraj Surana, Dy. G.A.
For Respondent No.6.	:	Pushkar Sinha, Advocate.

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****03/09/2015**

1. The petitioner appears to have filed an application before the Gram Sabha under the Forest Rights Act ("Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as 'the Act. 2006') for grant of lease of the land in question. During the pendency of his application when an attempt was made by the forest authority to dispossess him, this petition was filed.
2. While entertaining the writ petition, on 30.04.2012 interim protection

was granted in favour of the petitioner directing respondents not to evict him from the forest land under the occupation of the petitioner.

3. Counsel for the petitioner submits that during the pendency of the writ petition, his application has been decided by the Gram Sabha vide order dated 20.08.2012 and therefore he may be permitted to withdraw this petition with liberty to file the appeal before the Sub Divisional Level Committee under Rule 14 of the Rules, 2008 framed under the Act, 2006. He further submits that as the petitioner was prosecuting present writ petition, his appeal may be treated as time barred, and therefore, appellate authority be directed to decide the appeal to be filed by the petitioner ignoring the point of limitation. It has also been argued that stay operating in favour of the petitioner may be directed to continue till he files the appeal along with an application for interim relief and such application for interim relief is decided.
4. State counsel has no objection to the proposition put forth by the petitioner.
5. The petitioner is permitted to withdraw this petition with the aforesaid liberty.
6. In the eventuality of filing an appeal before the appellate authority assailing the order dated 20.08.2012 by the petitioner within four weeks from today, it is expected from the appellate authority to decide the said appeal ignoring the point of limitation. The petitioner would be further at liberty to file an application seeking interim protection from the appellate authority and it would be for the appellate authority to decide the said application in accordance with law.
7. Till one month from today the interim order granted in favour of the petitioner on 30.04.2012 shall remain in operation.

8. It is made clear that nothing has been observed on merit aspects of the case and the competent authority would be at liberty to decide the appeal and any other such application strictly in accordance with law.
9. The petition is accordingly dismissed as withdrawn with the aforesaid liberty.

Sd/-

(Pritinker Diwaker)
JUDGE

Vijay