

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.10959 OF 2015

Manik Devram Beldar
Age 45 years, Occu. Agri.,
R/o Dolarkheda, Tq. Muktainagar,
District Jalgaon

... **PETITIONER**

VERSUS

1. Union of India.
Through Ministry of Forest
New Delhi.
(Copy to be served on the
Standing Counsel for Union
of India, High Court of Bombay,
Bench at Aurangabad)
2. The State of Maharashtra,
through its Secretary,
Forest Department,
Mantralaya, Mumbai-32.
(Copy to be served on
Government Pleader,
High Court of Bombay,
Bench at Aurangabad)
3. The Chief Secretary,
State of Maharashtra/
The Chairperson of the
State Level Monitoring
Committee, Maharashtra
State, Mumbai at Mumbai.
4. The Deputy District Collector/
The Chairperson of District Level
Forest Right Committee, Jalgaon,
At Jalgaon.
5. The Sub-Divisional Officer,
Bhusawal Division, Bhusawal/
The Chairperson of the Sub-

Divisional Level Forest Right Committee,
Bhusawal, District Jalgaon.

6. The Tahsildar,
Tahsil Office, Muktainagar,
District Jalgaon,
7. The President/ Secretary,
Forest Right Committee,
Dolarkheda, Tq. Muktainagar,
District Jalgaon.
8. The Sarpanch/ Gramsevak,
Group Grampanchayat,
Dolarkheda, Tq. Muktainagar,
District Jalgaon.

... **RESPONDENTS**

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Mr. P.S. Gaikwad, advocate for the petitioner.
Mr. P.S. Patil, A.G.P for the State.
Mr. D.G. Nagode, advocate for Respondent No.1.
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CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 14th March, 2016.

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.):

1. Heard.
2. Leave to delete Respondent No.8.
3. Issue notice to the Respondents.

4. Mr. D.G. Nagode, learned counsel waives notice for Respondent No.1.

5. Mr. P.S. Patil, learned A.G.P waives notice for rest of the Respondents.

6. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final hearing.

7. The limited grievance of the petitioner is that Gramsabha has passed a Resolution in favour of the petitioner with regard to the allotment of forest land. However, Sub-Divisional Officer rejected the claim of the petitioner. The petitioner filed appeal before the District Level Committee. The same was returned on the ground that copy of the impugned order was not annexed. The learned counsel submits that petitioner is illiterate person and as such was not aware of the procedure and could not present the appeal in proper format. Now the copy of the order is received, the petitioner be permitted to submit the same. Even no opportunity was given by the appellate authority to remove the office objection.

8. Mr. Nagode and Mr. Patil, learned counsel submit that as the copy of the impugned order itself is not annexed, the

appeal could not have been entertained.

9. We have considered the submissions. It appears that Gramsabha has passed Resolution with regard to the claim of the petitioner. The same was forwarded to the Sub-Divisional Officer, Bhusawal, who rejected the same on the ground of limitation. The petitioner filed appeal before the appellate authority i.e. the District Level Committee, the same was not entertained on the ground that the appeal was not accompanied with the copy of the impugned order. The petitioner appears to be an illiterate person. Moreover, the District Level Committee has not closed the doors of the petitioner. The District Level Committee has asked the petitioner to submit the copy of the order along with the appeal. The petitioner could have rectified the said mistake instead of coming to this Court.

10. Be that as it may, the petitioner shall resubmit the appeal along with the copy of the impugned order within a period of ten (10) days from today to the District Level Committee. If the same is submitted within ten (10) days from today, the District Level Committee shall consider the said appeal on its own merits in accordance with law after hearing all concerned expeditiously.

11. Rule accordingly made absolute in above terms. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)