

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 2214 of 2006

- A Suo Moto Taken Writ Petition

---- Petitioner

Versus

1. State of Chhattisgarh through the Collector Korba (CG)
2. The Sub Divisional Officer, (Revenue) Katchora (CG)
3. The Superintendent (Land Records), Diverted Lands, Korba Unit, Korba (CG)
4. Aryan Coal Beneficiation Limited, A Company incorporated under the Indian Companies Act and Running a Coal Washery at Village Dipika Tahsil Katghora, District, Korba (CG)
5. Madanlal, S/o Brijlal, aged 63 years, R/o Chakabuda, Tahsil, Katghora, District Korba (CG)
6. Vishnu, S/o Motelal, aged 32 years, by Caste Kurmi, R/o Village Kasaipali, PC No.31 Tahsil, Katghora, District Korba (CG)
7. Bharat, S/o Motelal, aged 30 years, by Caste Kurmi, r/o village Kasaipali, PC No.31, Tahsil Katghora, District Korba (CG)
8. Rajesh Pratap Singh, aged 38 years, S/o Bharat Lal Singh, By Caste Tanwar (Schedule Tribe), r/o Village Arda, Tahsil Katghora, District Korba (CG)
9. Shivam Oraon, S/o Kariman Oraon, aged 35 years, by Caste Oraon (Schedule Tribe), R/o Village Jhanwar (Dipika) PO and Gram Panchayat Dipika, Tahsil Katghora, district Korba (CG)
10. KunwarManjhi, S/o Chudku Manjhi, aged 35 years, by Caste Manjhi (Schedule Tribe), r/o Village Dipika, PO and Gram Panchayat DipikaTahsil Katghora, District Korba (CG)
11. Nandulal Munda, s/o Priyanth Munda, aged 32 years, by Caste Munda (Schedule Tribe), r/o Village Dipika, Tahsil Katghora, District Korba (CG)
12. The Chief Commissioner of Income Tax Raipur (CG)

---- Respondents

And

Writ Petition No. 3171 Of 2006

- A Suo Moto Taken Writ Petition

---- Petitioner

Vs

1. State Of Chhattisgarh through the Principal Secretary, Department of Revenue, Mantralaya, GE Road, Raipur (CG)
2. The Collector, Korba (CG)

3. The Sub-Divisional Officer (Revenue), Katghora, Katghora Sub-Division, Tahsil Katghora, District Korba (CG)
4. The Sub-Registrar, Katghora, District Korba (CG)
5. M/s Aryan Coal Benefication Pvt Ltd., a company incorporated under the Companies Act, 1956, and running a Coal Washery at village Dipika, Tahsil Katghora, District Korba (CG)

---- Respondents

And

Writ Petition No. 3697 Of 2005

- Amit Singh Walia

---- Petitioner

Vs

- State Of Chhattisgarh & Ors.

---- Respondents

For Petitioners	: Shri Chandresh Shrivastava, Advocate
For the respective Respondents	: Shri PN Bharat, Additional Advocate General, Smt Renu Kocher and Shri PR Patankar, Advocates

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

31.07.2017

- 1) These Writ Petitions were filed alleging that lands which belonging to Tribals have been subjected to *inter vivos* transfers in violation of the protective covenants governance enacted to ensure that lands belonging to Tribals do not change hands except under the authority of the special enactment as well as under due sanction.
- 2) With passage of time, what deserves to be noted is that these Writ Petitions cannot be treated as personal actions, but are, by and large, those which project interest referable to various allegations

which could have been raised by or on behalf of the Tribals. In terms of the provisions of the Land Revenue Code and in terms of the laws inhibiting transfer of property belonging to Tribals, the Sovereign acts more or less like a statutory guardian to protect the interest of that socio economically weaker section, namely, the Tribals. With this in view, all that is to be done at this point of time in this bunch of matters is to leave all issues open and require the Board of Revenue to consider any application that may be made appropriately by any Tribal citizen who is entitled to seek such relief personally, or any application on behalf of such persons collectively. Without prejudice to the rights of the beneficiaries of the protective legislations, these Writ Petitions are closed paving way for appropriate proceedings at the level of the Board of Revenue, or, if needed, at the level of the Government, as may be found necessary, and entertainable by the Board of Revenue or the Government, as the case may be. These Writ Petitions are ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge