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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 573 of 2017**

1. Gokul Ram Yadav S/o Late Shri Goverdhan, Aged About 65 Years By Caste Raut, R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. U.B. Kanker Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Naya Raipur Distt. Raipur Chhattisgarh,
2. The Collector, Uttar Bastar Kanker Chhattisgarh.
3. The Sub Divisional Officer Revenue, Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.
4. Smt. Gangotri Bai, W/o Shri Uday Ram, Aged About 72 Years By Caste Halba, R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.

---- Respondent**WPC No. 574 of 2017**

1. Birbal S/o Late Baratiya Aged About 40 Years R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.
2. Smt. Deepak Bai, W/o Vikram Yadav, Village And Tahsil Dondi, Distt. Balod Chhattisgarh.
3. Smt. Bhojbati W/o Ramsaya, R/o Haradula, Tahsil Charama, Distt.U.B. Kanker Chhattisgarh.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management Mantralaya, Naya Raipur Distt. Raipur Chhattisgarh
2. The Collector, Uttar Bastar Kanker Chhattisgarh.
3. The Sub Divisional Officer Revenue, Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.

4. Smt. Gangotri Bai, W/o Shri Uday Ram, Aged About 72 Years By Caste Halba, R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.

---- Respondent

WPC No. 575 of 2017

1. Paklu Yadav S/o Late Pratap Rawat, Aged About 68 Years R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management Mantralaya, Mahanadi Bhawan, Naya Raipur Distt. Raipur Chhattisgarh
2. The Collector, Uttar Bastar Kanker Chhattisgarh.
3. The Sub Divisional Officer Revenue, Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.
4. Smt. Gangotri Bai, W/o Shri Uday Ram, Aged About 72 Years By Caste Halba, R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. U. B. Kanker Chhattisgarh.

---- Respondent

WPC No. 577 of 2017

1. Keshav Ram Yadav S/o Late Goverdhan, Aged About 61 Years R/o Village Chawela, Post Karmoti, Police Station And Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker, Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management Mantralaya, Naya Raipur, Distt. Raipur. Chhattisgarh
2. The Collector, Uttar Baster, Kanker, Chhattisgarh
3. The Sub Divisional Officer Revenue, Bhanupratappur, Distt. Uttar Bastar Kanker, Chhattisgarh
4. Smt. Gangotri Bai, W/o Shri Uday Ram, aged about 72 years, By Caste Halba, Aged About 72 Years R/o Village Chawela, Post Karmoti, Police Station And Tahsil, Bhanupratappur, Distt Uttar Bastar Kanker, Chhattisgarh

---- Respondent

WPC No. 1694 of 2015

1. Smt. Gangotri Bai W/o Shri Uday Ram, Aged About 72 Years Caste Halba, R/o Village Chawela, Police Station And Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Jan Shikayat Niwaran Vibhag, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh.
2. The Collector, Uttar Bastar Kanker Chhattisgarh
3. The Sub Divisional Officer Revenue, Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh
4. The Tahsildar, Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh.
5. Chhattisgarh Rajya Anusuchit Janjati Aayog, Through The Secretary, Chhattisgarh Rajya Anusuchit Janjati Aayog, Raipur Chhattisgarh.
6. Gokul Ram Yadav S/o Late Shri Goverdhan, Caste Raut, R/o Village Chawela, Post Office Karmoti, Police Station And Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh.
7. Paklu Ram S/o Late Shri Partam, Caste Raut, R/o Village Chawela, Post Office Karmoti, Police Station And Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh
8. Baratiya (dead) Through Legal Heirs
 - 8(i) Birbal S/o Late Baratiya, Aged About 40 Years, R/o village Chawela, Post Karmoti, PS & Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh
 - 8(ii) Smt. Deepak Bai, W/o Vikram Yadav, R/o village and Tahsil Dondi, Dist. Balod (CG).
 - 8(iii) Smt. Bhojpati, W/o Ramsaya, R/o Haradula, Tahsil Charama, Dist. Uttar Bastar, Kanker (CG)
9. Keshav Ram Yadav S/o Late Shri Goverdhan, Caste Raut, R/o Village Chawela, Post Office Karmoti, Police Station And Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh
10. Gyan Singh Gaur S/o Shri Prabhuram Gaur, Aged About 26 Years Caste Halba R/o Village Bogar, Police Station And Tahsil Bhanupratappur, Distt. Uttar Bastar Kanker Chhattisgarh

---- Respondent

For respective Petitioners	Shri M.K. Dube & Shri Parag Kotecha, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate
For Respondent/ ST Commission	Ms Purnima Singh, Advocate

Order On Board

By

Prashant Kumar Mishra, J.

10/10/2018

1. The issue brought before this Court is about the validity of lease of agricultural land within the forest area, which is allegedly recorded as *Bade Jhad Ka Jangal*, to the petitioners namely; Gokul Ram Yadav, Birbal, Paklu Yadav and Keshav Ram Yadav.
2. One villager namely; Radheshyam moved before the Chhattisgarh State Scheduled Tribe Commission (for brevity 'the ST Commission') bringing into its notice the illegality in grant of lease over the forest land by the Collector, Kanker, to several persons. The ST Commission issued recommendation for cancellation of the lease deed in its order dated 16-9-2014.
3. In WPC No.1694 of 2015 Smt. Gangotri Bai moved before this Court seeking issuance of writ for implementation of the recommendation of the ST Commission. The said writ petition was initially disposed of on 21-9-2015 directing the Collector to take steps in the matter, however, the petitioners in whose favour the lease was executed moved review petition No.28 of 2016 on the ground that the order

adversely affecting them has been passed without giving opportunity of hearing to them. The said review petition was allowed on 27-7-2016 to recall the order dated 21-9-2015 passed in WPC No.1694 of 2015.

4. During operation of the earlier order passed in WPC No.1694 of 2015 on 21-9-2015 the Collector, Kanker, initiated proceedings vide Annexure – P/9 for giving effect to the order passed by this Court, however, after the review petition was allowed the Collector, instead of dropping the proceedings again embarked on enquiry misconceivingly assuming that the order dated 21-9-2015 has been maintained in the review petition. The Collector also passed an order dated 21-8-2017 against the other petitioners except Smt. Gangotri Bai, however, when the other petitioners moved contempt petition before this Court, the order dated 21-8-2017 passed by the Collector, Kanker has been withdrawn on 5-12-2017.
5. Learned counsel appearing for the State would inform that after the order dated 21-9-2015 passed in WPC No.1694 of 2015 was recalled by order dated 27-7-2016 passed in review petition No.28 of 2016 the subsequent order dated 21-8-2017 was also recalled by the Collector on 5-12-2017, as the same was in violation of the order passed by this Court in the review petition and no further enquiry is pending before the Collector.
6. A reading of the entire material placed before this Court including the contents of the recommendation made by the ST Commission, which would refer to the statement of the Revenue Officer, it appears, it is

necessary in the ends of justice to direct the concerned Collector to enquire the matter regarding grant of lease to the persons over 75.81 acres of land situated at village Chawela, Tahsil Bhanupratappur, District Kanker. In such enquiry the Collector, Kanker, shall provide opportunity of hearing including personal hearing to all the effected parties. The parties would be at liberty to place evidence, both oral and documentary, before the Collector including the order passed by the Civil Court, if any. Based on the outcome of the enquiry and the final order passed by the Collector, Kanker, the petitioners would be at liberty to move afresh before this Court.

7. With the aforesaid observations and directions, all the writ petitions stand disposed of. No order as to cost(s).

Sd/-

Judge
Prashant Kumar Mishra

Gowri