

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8991 OF 2016

Motiram Bhivaji Tigote and others .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. Sunil V. Kurundkar, Advocate for the
Petitioners.

Mr. V. S. Badakh, A.G.P. for Respondent
Nos. 1 to 5.

Respondent Nos. 6 and 7 – served.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 07th DECEMBER, 2018

PER COURT :

1. Heard Mr. Kurundkar, learned Advocate for the
petitioner and Mr. Badakh, learned Assistant
Government Pleader.

2. The notice before admission to respondent
nos. 6 and 7 were served. However none appeared
for them. Thereafter this Court issued notices of
final disposal to respondent nos. 6 and 7. The

notices of final disposal are also served upon respondent nos. 6 and 7, still none appears for them.

3. Mr. Kurundkar, learned counsel submits that during the pendency of the writ petition the Gram Sabha – respondent no. 6 has passed a Resolution on 29.01.2018 in favour of the petitioners for allotment of the writ land for cultivation to the petitioners. Under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 the Resolution is required to be forwarded to respondent no. 8 – Sub Divisional Level Committee and after the Sub Divisional Level Committee takes decision upon it, it is to be forwarded to respondent no. 9 – District Level Committee. Respondent nos. 6 and 7 be directed to forward the Resolution to respondent no. 8.

4. In case, the Resolution is passed by respondent no. 6 – Gram Sabha (*Exhibit-J*), then the same shall be forwarded by respondent nos. 6

and 7 to respondent no. 8 within a period of six (6) weeks. The respondent no. 8 shall take decision upon it in accordance with law and procedure within a period of three (3) months of the receipt of the Resolution from respondent nos. 6 and 7 and shall further forward it immediately to respondent no. 9. Respondent no. 9 shall eventually decide it within a period of three (3) months from the date of decision of respondent no. 8. The petitioner shall communicate and serve this order upon respondent nos. 6 and 7.

5. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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