

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

WRIT PETITION NO. 15213 OF 2017

Atmaram Bhaurao Mali and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Nade, Advocate for Petitioners.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 08TH MARCH, 2018.

FINAL ORDER :

. Mr. Nade, the learned advocate for petitioners submit that, the Gram Sabha of village Zapewadi (Bhill Vasti), Tq. Shirur, Dist. Beed has passed resolution in favour of the petitioners on 26.01.2018.

2. The respondents have filed affidavit thereby relying on the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short "Act of 2006") to submit that the resolution passed by the Gram Sabha shall be forwarded by the Gram Sabha to the Sub Divisional Level Committee.

3. It is for the State Government to constitute Sub Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare record of forest rights and forward it to the District Level Committee for final decision, as according to the petitioners resolution is already passed by the Gram Sabha in their favour. It would be for the Gram Sabha to forward said resolution to the Sub Divisional Level Committee, upon receipt of the resolution, the Sub Divisional level committee shall proceed further in accordance with the provisions of the Act of 2006 referred to supra. With these observations the writ petition is disposed of.

4. In case exigency arises, the petitioners are at liberty to take up appropriate steps. In case the resolution is forwarded to the Committee, the Committee shall decide the proposal expeditiously. The respondent authorities may take further course of action as per the decision of the Committee.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]