

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 12520 OF 2015

Mr. Dnyaneshwar Shrirang Mokul	...Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	...Respondent

WITH
WRIT PETITION NO. 6 OF 2016

Mr. Parshuram Vithal Mhatre (since Decd)	
Through Lrs.	...Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	...Respondent

WITH
WRIT PETITION NO. 7 OF 2016

Smt. Tulsabai Namdeo Thakur	...Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	...Respondent

WITH
WRIT PETITION NO. 8 OF 2016

Mr. Chandrakant Dharmaji Mokul	...Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	...Respondent

WITH
WRIT PETITION NO. 9 OF 2016

Smt. Surekha Narayan Patil	Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	Respondent

WITH
WRIT PETITION NO. 10 OF 2016

Mr. Ashok Dharmaji Mokal	Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	Respondent

WITH
WRIT PETITION NO. 12521 OF 2015

Mr. Balnath Dharma Patil	...Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	...Respondent

WITH
WRIT PETITION NO. 12523 OF 2015

Mr. Surendra Damodar Mokal	Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	Respondent

WITH
WRIT PETITION NO. 12524 OF 2015

Ms. Vatsala Bhagwat Thakur	Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	Respondent

WITH
WRIT PETITION NO. 12525 OF 2015

Smt. Lata Dhanaji Baikar	Petitioner
V/S	
State Of Maharashtra Through Secretary, Revenue And Forest Dept. And Ors.	Respondent

***CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.***

8th June, 2018.

P.C.

The petitioners challenge orders dated 11th June, 2012 passed by the Sub-Divisional Level Committee. The learned Counsel submitted that the order has been passed without application of mind. The record has not been looked into by the concerned Committee. It would be appropriate to remand the matter back to Sub-divisional Level Committee constituted under the Schedule Tribes and other Private Forest Dwellers (Recognition of Forest Rights) Act, 2007 and rules

framed thereunder.

2. The learned Government Pleader on instructions submits that if remanded the Sub-Divisional Level Committee of the State would look into the record and hear parties and thereafter pass a reasoned order.

3. Under the rules, Sub-Divisional Level Committee and District Level Committees are to be constituted for effective implementation of the provisions of the Act and the rules.

4. We have perused the record placed before us and the impugned order. We find that the concerned Committee ought to have referred to the relevant record and pass a reasoned order after considering the evidence produced by the claimants and the State.

5. Without expressing any opinion on the merits of the claim of the petitioner, we set aside the order dated 11th June, 2012 and remand the matters back to the Sub-Divisional Level Committee.

6. We direct the Sub-Divisional Level Committee to hear the parties, allow them to submit record, if any, additional documents, if any and thereafter pass a reasoned order. The Collector of the District shall supervise effective implementation of this order.

7. It is expected that the Sub-Divisional level Committee shall dispose of the matters, after remand, at the earliest. All issues and contentions are kept open.

8. The Collector of the District shall ascertain as to whether similar such cases are there with the concerned officers. In case the Collector finds cases of similar nature then the same modus operandi be adopted so that re-hearing of the Sub-Divisional Level Committee could be undertaken by issuing necessary notices to the affected parties. We are observing this because it is informed by the learned Government Pleader that 42 such cases were there wherein authorities are convinced that re-hearing is necessary.

9. With aforesaid observations and directions, all Writ Petitions stand disposed of.

10. The Registrar (Judicial) to communicate the order to all concerned.

(G.S. KULKARNI, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.