

THE HON'BLE SRI JUSTICE A.V. SESA SAI

W.P.No.10023 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleaders for Forests and Social Welfare for the respondents.

2. The alleged inaction on the part of the District Collector-cum-Chairperson, District Level Committee, Kakinada, East Godavari District/the second respondent herein. in issuing the forest pattas to the petitioners herein in respect of the land located in the Forest Blocks of Gandi Kothagudem and Seetharampuram in Compartments No.81 & 168, respectively, of Repaka Colony, Kunavaram Mandal, East Godavari District, is under challenge in the present writ petition.

3. According to the petitioners, they belong to Koya Caste which is a Scheduled Tribe. It is further stated that all the petitioners herein have been cultivating the said forest lands since the times of their ancestors. It is further stated that after the advent of The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 all the villagers of Gandi Kothagudem and Seetharampuram in Compartments No.81 & 168, respectively, of Repaka Colony, Kunavaram Mandal, East Godavari District including the petitioners filed their claims before the Forests Rights Committee of the Grampanchayat. It is further stated that the Forests Rights Committee approved the claims of all the petitioners herein and the same was followed by a resolution of the Grampanchayat. It is also pleaded in the writ affidavit that pursuant to the resolution of the Grampanchayat a physical survey of the land was also undertaken which was attended to by the claimants, officials from the revenue and forest

departments and the Grampanchayat and that GPS Survey was also undertaken for each claim and the maps were also generated for the extents of land that the petitioners are cultivating and that the entire process took place in the year 2013 itself. It is also stated that the petitioners were told that the record of rights have been forwarded to the District Level Committee and soon pattas would be received from the District Level Committee. It is also stated that many of the petitioners herein went around the offices of the Collector and the Project Officer, ITDA several times, requesting for grant of pattas.

4. In the above background, according to the petitioners herein, they submitted their representation to the District Collector-cum-Chairperson, District Level Committee, Kakinada, East Godavari District/the second respondent herein on 18.01.2018 for redressal of their grievance. Obviously, the grievance of the petitioners in the present writ petition is the alleged inaction on the part of the second respondent/District Collector in responding to the said representation despite lapse of considerable length of time.

5. With an intention to address the long standing insecurity of the tenurial and access rights of the forest dwelling Schedule Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions and with an object to recognise and vest the rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such Forests for generations but whose rights could not be recorded due to various reasons and in order to provide for a framework for recording the forest rights so vested, the Parliament enacted the Scheduled Tribes and other Traditional Forest Dwellers

(Recognition of Forest Rights) Act, 2006 (for short 'the Act'). The Central Government in exercise of the power conferred under sub-Sections (1) and (2) of Section 14 of the Act framed the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (for short 'the Rules').

6. Rule 8 of the said Rules deals with the Functions of the District Level Committee. According to Clause (c) of Rule 8 of the said Rules, it is obligatory on the part of the District Level Committee headed by the Chair-person/District Collector to consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee. In the instant writ petition, it is specifically averred that after enquiry the record of forests rights have been forwarded to the District Level Committee for their consideration and no action has been taken so far.

7. Having regard to the nature of the claim, this Court is of the considered opinion that the claims of the petitioners herein are required to be addressed as expeditiously as possible. Since the petitioners herein submitted their representation to the District Collector as long back as on 18.1.2018, the District Collector ought to have verified the said representation and ought to have taken appropriate action.

8. Having regard to the facts and circumstances of the case and as the claims of the petitioners are pending consideration before the District Level Committee headed by the District Collector as the Chairperson, this Court deems it appropriate to dispose of the writ petition with a direction to the District Collector-cum-Chairperson, District Level Committee, Kakinada, East Godavari District/the second respondent herein, to place

the claims of the petitioners herein before the District Level Committee for its consideration and for passing appropriate orders, strictly in accordance with law. This exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order.

9. Accordingly, the writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

Date: 15.11.2018
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THE HON'BLE SRI JUSTICE A.V. SESA SAI



W.P.No.10023 of 2018

Dated: 15.11.2018

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