

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 775 of 2018**

- Kamal Chand Jain S/o Late Gulab Chand Jain Aged About 62 Years R/o Village Kevachi, Tahsil Pendraroad, District- Bilaspur, Chhattisgarh.

---- Appellant**Versus**

- State Of Chhattisgarh Through Principal Secretary Department Of Forest, Secretariat, Raipur, Chhattisgarh.
- Chief Conservator Of Forest Forest Division Bilaspur, Bilaspur, Chhattisgarh.
- Forest Divisional Officer Marwahi Forest Division, Madna Pendraroad, District- Bilaspur, Chhattisgarh.
- Sub Forest Division Officer Gourella Sub Forest Division, Pendra Road, District- Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Rajeev Bharat, Advocate
For State	:	Shri R.S. Baghel, Deputy Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Smt. Vimla Singh Kapoor, Judge****Judgment on Board****Per, Ajay Kumar Tripathi, Chief Justice****18.02.2019**

1. The appeal was preferred against the order dated 17.09.2018 passed by the learned Single Judge. He dismissed the writ application refusing to investigate the allegation whether the Respondents States authorities were planting samplings over his land by removing the fencing.
2. The learned Single Judge was of the view that this was basically a matter of title and therefore, the writ Court would not get drawn into such dispute under Article 226 of the Constitution of India. Civil Court was the right forum for such issues.
3. Dismissal of the writ application was the reason for preferring the present appeal.
4. No doubt vide order dated 22.11.2018, the State was given a direction to file a return and identify the land on which plantation was carried out by the forest department. Details thereof has been provided in the return. Counsel for the Appellant wants to dispute the position indicated therein.

5. We are not here to adjudicate the issue of right, title and interest in the present appeal. *Prima facie* being satisfied with the inputs provided by the State in their return, it is left open to the Appellant to choose his next course of action.
6. Appeal is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Vimla Singh Kapoor)
Judge