

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4350 of 2019

Brijbhan Singh @ Guddu Singh S/o Late Shri Vijay Singh Aged About 43 Years R/o Village Khairbar, Khudipara, Police Station Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. The Collector Surguja Ambikapur, District Surguja, Chhattisgarh
3. Divisional Forest Officer Surguja Division, Ambikapur, District Surguja, Chhattisgarh
4. Smt. Basanti Minj W/o Shri Alok Singh Aged About 52 Years R/o Village Khairbar, Khudipara, Police Station Ambikapur, District Surguja, Chhattisgarh

---Respondents

For Petitioner	:	Shri T.R. Chandrakar, Advocate.
For State	:	Shri Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.12.2019

1. The contention of the Counsel for the Petitioner is that in the year 2016-2017, the petitioner was issued with a letter of allotment of certain piece of land in the forest under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. According to the Petitioner, the letter of allotment is Annexure P-1 and now on the said piece of land, respondent No. 4 is illegally encroaching and has started construction.
2. Counsel for the Petitioner further submits that he has already moved representation in this regard to the respondent No. 2 on 13.10.2017 but till date, there is no decision taken by the respondent No. 2.
3. The State Counsel, however opposing the petition submits that the petitioner ought to have approached the respondent No. 3 under the Act,

2006. Subject to the petitioner approaching the respondent No. 3, necessary action in accordance with law would be taken.

4. Given the said facts, the petitioner has already approached the respondent no. 2, let the petitioner file another representation/objection to the respondent No. 3 within a period of 15 days from today. Upon making such application, respondents No. 2 as well as respondent No. 3 are directed to take appropriate steps in accordance with the Act of 2006 at the earliest within a period of 6 months from the date of receipt of representation of the Petitioner and try to redress the grievance of the petitioner.
5. Accordingly, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha