

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1356 of 2020**

Hari Krishna Gupta S/o Late Dukhan Sao Aged About 57 Years R/o Basenpara Khobhi Kapildevnagar P.S. And Tahsil Balrampur District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Secretary Department Of Forest Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
3. The Collector Balrampur District Balrampur Ramanujganj Chhattisgarh
4. Sub Divisional Officer (Revenue) Ramanujganj District Balrampur Ramanujganj Chhattisgarh
5. The Tahsildar Balrampur District Balrampur Ramanujganj Chhattisgarh
6. Chief Conservator Of Forest Circle Surguja Ambikapur District Surguja Chhattisgarh
7. The Divisional Forest Officer Forest Division Balrampur District Balrampur Ramanujganj Chhattisgarh
8. Forest Range Officer Balrampur District Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

14/07/2020

1. The challenge in the present writ petition is to the alleged arbitrary and unreasonable action on the part of the respondents authorities in dispossessing the petitioner from the land which is in his possession for last more than 40 years.
2. According to the petitioner, the State Government has already initiated proceedings for grant of "Van Adhikar Patta" to the petitioner and other similarly placed persons dwelling in the forest area. However, pending the said proceedings the respondents have now initiated steps for carrying out plantation over the land which is in possession of the

petitioner and over which he is claiming the “Van Adhikar Patta”. According to the petitioner, recently he has again approached the State Authorities vide his representation dated 12.06.2020 for considering his representation at the earliest. However, no further positive response has been received from the State Authorities in that regard. Meanwhile, the respondents is said to have initiated the plantation drive over the land, which if carried out can cause substantial damage/loss to the petitioner, who earns his livelihood from cultivating the said land.

3. Given the said submission by the counsel for the petitioner, this Court is of the opinion that ends of justice would meet if the Forest Authorities are directed to consider the proceedings drawn for grant of “Van Adhikar Patta” in respect of the petitioner, if any pending, and to take an early decision on the said application and to proceed further, even in respect of the plantation activities only after deciding the claim of the petitioner for grant of “Van Adhikar Patta”. This in other word means, pending the proceedings for grant of “Van Adhikar Patta” of the petitioner, let status-quo as it exists today be maintained.
4. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved