

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1462 of 2020

1. Ashish Gupta, S/o Shri Bhola Sao, Aged About 20 Years, R/o Village Kapildevpur, P.S. Chalgali Tahsil Balrampur, District : Balrampur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest Mahanadi Bhawan, New Raipur, District : Raipur, Chhattisgarh
2. The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur, District : Raipur, Chhattisgarh
3. The Collector Balrampur, District : Balrampur, Chhattisgarh
4. Sub Divisional Officer (Revenue) Ramanujganj, District : Balrampur, Chhattisgarh
5. Tahsildar, Ramanujganj, District : Balrampur-Ramanujganj, Chhattisgarh
6. Divisional Forest Officer Balrampur, District Tahsildar, Ramanujganj, District : Balrampur-Ramanujganj, Chhattisgarh
7. Forest Range Officer, Forest Range Balrampur Tahsildar, Ramanujganj, District : Balrampur-Ramanujganj, Chhattisgarh

----- Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Smt. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.08.2020

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 since long period.

2. According to the counsel for 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 counsel for the petitioner, recently the petitioner 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 concerned State 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 off.

Sd/-
(P. Sam Koshy)
Judge

Rahul