

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1764 of 2020

Mojibul Islam S/o Karimuddin Aged About 66 Years R/o Village Mahadevpur (Vishunpara) P.S. Trikunda Tahsil Ramanujganj District Balrampur Ramanujganj Chhattisgarh.

---Petitioner(s)

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 District Balrampur Ramanujganj Chhattisgarh.
4. Sub Divisional Officer Revenue Ramanujganj District Balrampur Ramanujganj Chhattisgarh.
5. Chief Conservator of Forest Circle Ambikapur District Surguja Chhattisgarh.
6. Divisional Forest Officer Balrampur District Balrampur Ramanujganj Chhattisgarh.
7. The Forest Range Officer Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh.
8. Forest Guard, Forest Beat Mahadevpur Forest Range Wadrafnagar District Balrampur Ramanujganj Chhattisgarh.

---Respondents

For Petitioner	:	Shri A.N. Pandey, Advocate.
For Respondent-State	:	Shri Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.08.2020

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 for last more than 40 years.
2. According to the petitioner, as early as on 16.10.2007 the petitioner had moved an application to the forest authorities for grant of "Van Adhikar Patta". The respondents also thereafter had conducted a survey of the area in possession of the petitioner. 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 13.07.2020 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