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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1771 of 2020**

Gopal Singh S/o Late Shoukilal Aged About 52 Years Occupation Farmer
(Other Traditional Forest Dweller) R/o Memra, P. O. Sankara, Via Pithora,
District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. The Union Of India Through Secretary, Ministry Of Tribal Affairs
Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And
Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi
110003
3. Director General Of Forest Ministry Of Environment And Forest
Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare
Development, Mantralaya, New Raipur Chhattisgarh
5. Department Of Forest Through Secretary, Mantralaya, New Raipur
Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund
Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents**AND****WPC No. 1772 of 2020**

Nepal Singh S/o Late Shoukilal Aged About 49 Years Occupation Farmer
(Other Traditional Forest Dweller) R/o Memra, P. O. Sankara, Via Pithora,
District Mahasamund Chhattisgarh,

---- Petitioner**Versus**

1. The Union Of India Through Secretary, Ministry Of Tribal Affairs
Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And
Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi
110003

3. Director General Of Forest Ministry Of Environment And Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare Development, Mantralaya, New Raipur Chhattisgarh
5. Department Of Forest Through Secretary, Mantralaya, New Raipur Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents

AND

WPC No. 1777 of 2020

Gokul Singh S/o Late Shoukilal, Aged About 55 Years Occupation Farmer (Other Traditional Forest Dweller) R/o Memra, P.O. Sankara Via Pithora, District Mahasamund Chhattisgarh.

---- Petitioner

Versus

1. The Union Of India, Through Secretary, Ministry Of Tribal Affairs Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
3. Director General Of Forest Ministry Of Environment And Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare Development, Mantralaya, New Raipur Chhattisgarh
5. Department Of Forest Through Secretary, Mantralaya, New Raipur Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents

AND

WPC No. 1799 of 2020

Jeevardhan S/o Late Ratho Aged About 57 Years Occupation Farmer,
(Other Traditional Forest Dweller) R/o Memra, P.O. Sankara Via Pithora,
District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. The Union Of India Through Secretary, Ministry Of Tribal Affairs
Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And
Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi
110003
3. Director General Of Forest Ministry Of Environment And Forest
Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare
Development, Mantralaya, New Raipur Chhattisgarh
5. Department Of Forest Through Secretary, Mantralaya, New Raipur
Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund
Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents

AND**WPC No. 1800 of 2020**

Mahipal Tandi S/o Late Aman Tandi Aged About 73 Years Occupation
Farmer (Other Traditional Forest Dweller) R/o Memra, P.O. Sankara Via
Pithora, District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. The Union Of India Through Secretary, Ministry Of Tribal Affairs
Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And
Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi
110003
3. Director General Of Forest Ministry Of Environment And Forest
Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare
Development, Mantralaya, New Raipur Chhattisgarh

5. Department Of Forest Through Secretary, Mantralaya, New Raipur Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents

AND

WPC No. 1804 of 2020

Madhusudhan S/o Samaru, Aged About 43 Years Occupation - Farmer (Other Traditional Forest Dweller) R/o Memra, Post Office Sankara Via Pithora, District Mahasamund Chhattisgarh.

---- Petitioner

Versus

1. The Union Of India Through Secretary, Ministry Of Tribal Affairs Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
3. Director General Of Forest Ministry Of Environment And Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare Development, Mantralaya, New Raipur Chhattisgarh
5. Department Of Forest Through Secretary, Mantralaya, New Raipur Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents

AND

WPC No. 1805 of 2020

Sadhuram S/o Samaru Aged About 43 Years Occupation - Farmer (Other Traditional Forest Dweller) R/o Memra, Post Office Sankara Via Pithora, District Mahasamund Chhattisgarh.

---- Petitioner

Versus

1. The Union Of India Through Secretary, Ministry Of Tribal Affairs
Ground Floor, D Wing, Shastri Bhawan, New Delhi 110001
2. Union Of India Through Secretary, Ministry Of Environment And
Forest Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi
110003
3. Director General Of Forest Ministry Of Environment And Forest
Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi 110003
4. State Of Chhattisgarh Through Secretary, Ministry Of Tribal Welfare
Development, Mantralaya, New Raipur Chhattisgarh
5. Department Of Forest Through Secretary, Mantralaya, New Raipur
Chhattisgarh
6. Divisional Forest Officer District Mahasamund Chhattisgarh
7. Collector District Mahasamund Chhattisgarh
8. Sub Divisional Officer (Revenue) Pithora, District Mahasamund
Chhattisgarh
9. Forest Ranger Pithora, District Mahasamund Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sunil Kumar Soni, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A. and Mr. Raghvendra Verma, G.A.
For Respondents/UOI	:	Mr. R.K. Kesharwani, Advocate

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

17/08/2020

1. The present writ petition has been filed seeking for issuance of a writ to the respondents-State for ensuring that the provisions of '**STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, STs & Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007**' be complied with in its letter and spirit. The further relief sought for is also for protecting the petitioners in view of the provisions of Forest Rights Act, 2006 and the respondents-State Authorities also be restrained from taking any coercive and suppressive action against the petitioners, particularly

restraining them from interfering with the cultivation by the petitioners over the land, which is in their possession since ages.

2. After arguing for sometimes, the counsel for the petitioners drew the attention of the Court to a representation, which the petitioners have made to the Sub-Divisional Officer seeking for their intervention and for granting appropriate protection under the provisions of the aforementioned provisions of law.
3. According to the petitioners, there is also a resolution/proposal passed by the concerned Gram Panchayat in favour of the petitioners for grant of patta/lease over the said land in their possession. In between, however it is alleged that the respondent authorities in the garb of carrying out afforestation/plantation have destroyed the cultivation of the petitioners and have carried out with the plantation part. This again according to the petitioners is contrary to the Forest Rights Act, 2006. It is further contended that the Hon'ble Supreme Court also is seized of a matter wherein the rights and protection of people similar to the petitioners are involved and in that proceedings the State of Chhattisgarh also is a party and the State of Chhattisgarh also has filed affidavits giving details of the Schedule Tribes and Other Traditional Forest Dwellers residing in the different forests in the State of Chhattisgarh and the details of their claim applications pending before the authorities.
4. The counsel for the Union of India as also the counsel for the State submitted that since all the petitioners have already approached the concerned Sub-Divisional Officer by moving an application in respect

of their respective claim and for his intervention, the present writ petition may be disposed of directing the Sub-Divisional Officer of Tehsil Pithora, District Mahasamund i.e. the respondent No.8 to take a decision at the earliest on the claim of the petitioners including their applications and prayer for permission to cultivate the land which was in their possession since long.

5. The respondent No.8 is expected to verify the factual aspect from the records and if required, the petitioners may also be granted an opportunity of hearing and thereafter appropriate decision be taken within a reasonable time.
6. Meanwhile taking into consideration the entire facts and circumstances of the case and also the provisions of the aforementioned laws including the Forest Rights Act, 2006, let status-quo as it exists today be maintained by either of the parties till a decision is taken by the respondent No.8 after due verification of facts.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved