

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2501 of 2020

1. Mojahid S/o Yaar Mohammad, Aged About 45 Years
2. Khalifa Ansari S/o Wajjuddin, Aged About 40 Years

R/o Gram Panchayat Chandra Nagar, Ramanujganj District Balrampur
Ramanujganj Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary Forest Department, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Collector, Balrampur Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
3. Divisional Forest Officer, Balrampur Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
4. Range Officer, Chandanpur, District Balrampur Ramanujganj Chhattisgarh.

---Respondents

For Petitioners	:	Shri C Jayant K Rao, Advocate.
For State	:	Shri Mateen Siddique, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.11.2020

1. The grievance of the petitioners is the inaction on the part of the Forest as well as Revenue authorities in the respondents State in not taking any decision on the application that the petitioners have filed seeking for grant of Patta/lease under the Schedule Tribe and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short, the Act, 2006) and also the Rules framed thereunder.
2. According to counsel for the petitioners, the petitioners are in possession of the said land for over 7 decades and they are doing agricultural activities over the said land for all these period and now they have moved applications for grant of lease/Patta for the said land which is pending consideration before the respondent authorities.
3. The counsel for the State opposing the petition submits that the land which is in possession of the petitioners is perhaps a forest land and therefore

the allotment of lease/Patta in a forest land the parameters are different as compared to grant of lease/Patta over the revenue land.

4. Be that as it may, since the counsel for the petitioners submits that the petitioners have moved an application and the application has also been forwarded by the authorities concerned, the writ petition at this juncture stands disposed of directing both the revenue as well as the forest authorities, as the case may be, to consider the claim of the petitioners on its own merits in accordance with provisions of law governing the field at the earliest preferably within a period of 120 days from the date of receipt of copy of this order.
5. It is made clear that this court has not expressed any opinion on the merits of the case so far as entitlement of the petitioners are concerned.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge