

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2555 of 2020**

1. Dujram Sinha S/o Sahdeoram Sinha, Aged About 64 Years, R/o - Khirkitola (Dangimacha), Police Station - Rudri, Tehsil And District - Dhamtari, Chhattisgarh
2. Kanhaiyaram Yadav S/o Anandram Yadav, Aged About 61 Years, R/o - Khirkitola (Dangimacha), Police Station - Rudri, Tehsil And District - Dhamtari Chhattisgarh
3. Kanhaiyaram Nirmalkar S/o Tulsiram Nirmalkar, Aged About 46 Years R/o - Khirkitola (Dangimacha), Police Station - Rudri, Tehsil And District – Dhamtari, Chhattisgarh
4. Sunderlal Yadav S/o Sukhram Yadav, Aged About 42 Years, R/o - Khirkitola (Dangimacha), Police Station - Rudri, Tehsil And District – Dhamtari, Chhattisgarh
5. Sunher Yadav S/o Sukhram Yadav, Aged About 45 Years, R/o - Khirkitola (Dangimacha), Police Station - Rudri, Tehsil And District – Dhamtari, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Collector, District- Dhamtari, Chhattisgarh
2. The Sarpanch, Gramsabha- Khirkitola, District Dhamtari, Chhattisgarh
3. The S.D.O. (Revenue), Dhamtari, District Dhamtari, Chhattisgarh
4. The Assistant Commissioner, District Dhamtari, Chhattisgarh
5. The Deputy Collector, District Dhamtari, Chhattisgarh
6. The Forest Divisional Officer, General Forest Division, Dhamtari District Dhamtari, Chhattisgarh
7. The Khanda Adhikari, Water Resources Sub Division No. 09, Gangrel Dhamtari, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Hariom Rai, Advocate
For State	:	Mr. Mateen Siddiqui, Dy. A.G.

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

04.11.2020

1. The limited relief that the petitioners have sought in the present writ petition is for an appropriate direction to the respondents to consider and decide their application for grant of Van Adhikar Patta to them.
2. According to the petitioners, they were residents of village Khirkitola (Dangimacha) where Gangrel Dam water has now submerged their village and they have been shifted to a different location where they are residing for a considerable period of time and now they have approached the authorities for grant of Van Adhikar Patta.
3. According to the State counsel, since the petitioners have not approached the authorities in accordance with law, their application could not be decided or processed in as much as their application has to be routed to the Van Adhikar Samiti which in turn shall forward to the concerned higher authorities in the Department.
4. According to the petitioners, the Gram Sabha has already passed a resolution in their favour but the same has not been forwarded or referred to the Van Adhikar Samiti constituted at the Sub-Block level. The contention of the petitioners is that, as of now their purpose would be served if the respondents 2 & 3 are directed to forward the resolution of Gram Sabha to the concerned Sub-Block level Van Adhikar Samiti so far as their demands for grant/issuance of Van Adhikar Patta is concerned.

5. To the limited relief that the petitioners have sought for, counsel for the respondents do not have any objection.
6. Accordingly, the writ petition stands disposed of directing the respondents 2 & 3 to immediately forward the resolution passed by the Gram Sabha to the concerned Sub-Block level Van Adhikar Samiti for necessary steps to be taken in accordance with law. Upon such action being taken by the respondents 2 & 3, the respondents shall further proceed and decide the application of the petitioners at the earliest preferably within four months from the date the respondents 2 & 3 forwards the resolution to the concerned Van Adhikar Samiti.

**Sd/-
P. Sam Koshy
Judge**