

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4687 of 2021**

1. Sankhlal S/o Sukhraj Aged About 45 Years Caste Bhiya (St), R/o Village Dand Karwan-Bharani Dand, (Bhuiya Para) Tahsil Pratppur, District Surajpur Chhattisgarh
2. Devdat S/o Late Ramdat Aged About 45 Years R/o Village Dand Karwan-Bharani Dand, (Bhuiya Para) Tahsil Pratppur, District Surajpur Chhattisgarh
3. Basant Kumar S/o Late Ramdat Aged About 45 Years R/o Village Dand Karwan-Bharani Dand, (Bhuiya Para) Tahsil Pratppur, District Surajpur Chhattisgarh
4. Dhannu S/o Shivcharan Aged About 50 Years R/o Village Dand Karwan-Bharani Dand, (Bhuiya Para) Tahsil Pratppur, District Surajpur Chhattisgarh
5. Jayanandan S/o Late Mohan Aged About 60 Years R/o Village Dand Karwan-Bharani Dand, (Bhuiya Para) Tahsil Pratppur, District Surajpur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. The Collector Surajpur District Surajpur Chhattisgarh
3. Chief Executive Officer Zila Panchayat Surajpur District Surajpur Chhattisgarh
4. Janpad Panchayat Pratappur District Surajpur Chhattisgarh
5. Village Panchayat Rewati, Through The Sarpanch, Janpad Panchayat Pratappur, District Surajpur Chhattisgarh
6. Village Panchayat Dand Karwan, Through The Sarpanch, Janpad Panchayat Pratappur, District Surajpur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. V.K. Pandey, Advocate
For State	:	Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****23.11.2021**

1. Heard on this petition. The default as pointed out by the Registry is ignored.
2. It is submitted by the learned counsel for the petitioners that the petitioners are the members of ab-original tribe which is called as Bhuiya. The petitioners are in possession of the forest land bearing Khasra No. 1650 admeasuring area 7.11 hectares since about 50 years. The respondent No. 5 has proposed the construction of Paddy Purchase Centre on the land mentioned hereinabove. The respondent No. 3 has passed the impugned order Annexure P/1 dated

29.09.2021 granting requisite administrative sanction for construction.

3. It is further submitted that clause 5 of the impugned order itself mentions that in case the requisite or the proposed construction is recorded as 'Chhote bade jhad ka jungle' then the administrative sanction shall be automatically canceled. The copy of the revenue documents are produced in which there is clear entry showing that the land bearing Khasra No. 1650 is recorded as 'Bade jhad ka jungle'. The petitioners have claimed over the land in their possession under the provisions of Scheduled Castes and other traditional forest dwellers (Recognition of Forest Rights) Act 2006 [hereinafter referred to as 'the Act 2006'] therefore they have made a representation to the respondent No. 2 praying to settle them on the land in their possession which has remained unconsidered so far. Accordingly, it is prayed that the interest of the petitioners be protected and relief be granted to them as prayed in the petition.
4. Learned State counsel representing the respondents No. 1 & 2 opposes the submission.
5. Considered on the submissions and perused the documents filed along with the petition. The petition is disposed off at the motion stage. The petitioners are granted liberty to file a fresh representation before the respondent No.2 within a period of 15 days from today. The respondent No. 2 is then directed to consider the representation filed by the petitioners under the provisions of the Act 2009 and take the decision on the same at the earliest preferably within a period of 60 days after the date the representation is filed. In the meanwhile, it is ordered that the proposed construction, if any, on the land in question by the respondent No. 5, shall remain stayed until the decision is taken by the respondent No. 2 on the representations made by the petitioners.
6. With such observation/ direction, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge