

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4763 of 2021

1. Aklim Ansari S/o Phakira Aged About 65 Years, R/o Village Silphili, Tahsil Pratappur, District Surajpur Chhattisgarh
2. Samim Ansari S/o Mansur, Aged About 35 Years, R/o Village Silphili, Tahsil Pratappur, District Surajpur Chhattisgarh
3. Sabir S/o Rahmat Aged About 75 Years, R/o Village Silphili, Tahsil Pratappur, District Surajpur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. The Collector Surajpur, District Surajpur Chhattisgarh
3. Sub Divisional Officer (Revenue) Surajpur, District Surajpur Chhattisgarh
4. Tahsildar Pratappur, District Surajpur Chhattisgarh
5. Gram Panchayat Silphili through the Secretary Gram Panchayat Silphili District Surajpur Chhattisgarh

---- Respondents

For Petitioners– Mr. A.N.Pandey, Advocate.

For State-respondents – Ms. Akanksha Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-11-2021

Heard.

1. This petition has been brought being aggrieved by the notice dated 16-08-2021 (Annexure-P/1) issued by respondent No.4 directing the petitioners to vacate the landed property on which they are in possession.

2. It is submitted by learned counsel for the petitioners that the petitioners are in possession of the land in question since about more than 25 years. The petitioners have filed representation before respondent No.2 praying for settlement of the land in their possession under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which is pending and no decision has been taken so far on the same. The land in possession of the petitioners is forest land. Therefore, it

is prayed that until the representation of the petitioners is decided by respondent No.2 their possession be protected.

3. The State counsel opposes the submission and submits that the petitioners have no entitlement to retain possession over the land in question and further the notice (Annexure-P/1) clearly mentions that the petitioners have encroached upon the land of Government market. Therefore, no relief can be granted as prayed by the petitioners.

4. Considered on the submissions. Considering that there is representation filed by the petitioners and pending before respondent No.2, therefore, respondent No.2 is directed to consider on the representation filed by the petitioners and take decision on the same on or before a period of 60 days. In the meanwhile, status quo be maintained on the property in question until the time prescribed within which the respondent No.2 has to take decision. With these observations, the petition is disposed off. The petitioners are also at liberty to file fresh representation.

Sd/-

(Rajendra Chandra Singh Samant)
Judge