

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.5969 OF 2020

RAMESH TUFANSING BARELA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. M.D. Narwadkar, Advocate for the petitioners.
Mr. K.S. Patil, A.G.P. for respondent Nos.1 to 6.

...

CORAM : **RAVINDRA V. GHUGE &
AVINASH G. GHAROTE, JJ.**

DATE : 23-06-2021.

ORDER :

1. By this petition, the petitioners have put-forth prayer clauses 'B', 'C' and 'D' as under :-

"B] By appropriate Writ, order or direction, the Resp. No. 2 be directed to decide the Claims / Appeals dt. 24/9/2013 (Exh.B Colly) of the petitioners expeditiously within stipulated period of time.

C] By appropriate Writ, order or direction the Respondents be directed to Verify the claims of the petitioners as per Rule 12 and Rule 12-A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.

D] By appropriate Writ, order or direction the Respondents be directed not to evict / remove the Petitioners from the forest land i.e. situated at Langada Amba, Grampanchayat Jamnya, Tq. Yaval, Dist. Jalgaon till the claims / appeals of the petitioners are finally decided".

2. This petition has been filed on 2nd May 2018. The appeals dated 24-09-2013, which are collectively placed on record at Annexure-B, are said to be pending adjudication at the hands of respondent No. 5 Sub Divisional Officer Yaval Sub Division / President of Sub Divisional Forest Right Committee, Yaval, District Jalgaon.

3. The learned Advocate for the petitioners submits that none of the petitioners are contacting him so as to apprise him of the latest position.

4. We have considered this petition with the assistance of the learned Advocate for the petitioners and the learned A.G.P.

5. Considering prayer clause 'B', the learned Counsel for the petitioner submits that unless the appeals are decided, the claims of these petitioners as per Rule 12 and 12-A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007, would not be adjudicated upon.

6. In view of the above, this petition is disposed off in terms of prayer clause 'B'. We direct respondent No. 2 that, in the event of the appeals having not yet been adjudicated upon, he shall decide them on or before 30th November 2021. The procedure laid down in

law for deciding these appeals by affording an opportunity of hearing to the petitioners, shall be followed. In the event the appeals are already decided, the decision in the said appeals shall be forthwith communicated to all the petitioners, if not already communicated.

(AVINASH G. GHAROTE)

(RAVINDRA V. GHUGE, J.)

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