

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25305 OF 2022

Sana Tubi Grama Sabha, Kendrapara* *Petitioner

Mr. Amitav Das, Advocate

-versus-

***Chairman, State Level Monitoring* *Opp. Parties*
*Committee and others***

Mr. Ajodhya Ranjan Dash,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

26.10.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner, which is a Forest Right Committee, in this writ petition prays for a direction to Opposite Parties to compensate them for the forceful eviction and loss caused by Opposite Party No.4-Divisional Forest Officer, Rajnagar Wildlife and Mangrove Division and is a member of the District Level Monitoring Committee (for short 'Committee'), without following due procedure of law. They also pray for a direction to the Collector-cum-Chairman of the District Level Committee, Kendrapara to dispose of their appeal at an early date.
3. Mr. Das, learned counsel for the Petitioner submits that the members of the Petitioner-Committee are forest dwellers and have been allotted with land under the provisions of the Schedule Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules made thereunder. As they were threatened of forceful eviction, the

Petitioner had earlier approached this Court in W.P.(C) No.7798 of 2019, which was disposed of on 19th April, 2019 with a direction to the Chairman, District level Committee-cum-Collector, Kendrapara-Opposite Party No.2 to dispose of the appeal, if any, to be filed before him and to protect their interest. The relevant portion of said order dated 19th April, 2019 is quoted below for ready reference:-

“Considering that the appeal is required to be disposed of by the Collector, it will be open to the petitioner to file application for interim protection before the Collector. In such event the Collector shall do well in protecting the interest of the property of the petitioner involved herein at least till he decides the appeal finally.”

The appeal filed by the Petitioner is still pending before the Collector-Opposite Party No.2 for adjudication and the interim order is continuing. In spite of the same, the DFO, Rajnagar forcibly evicted the Petitioner by destroying their crops and equipments. Hence, they have come up before this Court for the aforesaid direction.

3. In course of hearing, Mr. Das, learned counsel for the Petitioner submits that similarly situated persons had approached this Court in W.P.(C) No.29612 of 2020, which was disposed of vide order dated 9th November, 2020 with the following direction:-

“However, as it appears from the prayer made, claimants appear to have been evicted and also claim compensation for the same.

In such premises, this writ petition is disposed of with a direction to the opposite party no.2-The Chairman, District Level Committee-cum-Collector, Kendrapara to dispose of the appeals of the claimants and also pass

necessary order on their representation to be filed seeking compensation with regard to loss sustained by them due to illegal action, if any, committed by the opposite party No.4 within three months of receipt of copy of this order.

Needless to say that such representation for claiming compensation to be filed within six weeks hence by the persons stated to have sustained loss by illegal action of the opposite party no.4.

It is made clear that the aforesaid order should not be construed as expression of any opinion on the merit of the claim of the members of the petitioner-committee claiming compensation in any manner.

The parties may utilize the copy of this order as per the High Court's Notice No.4587 dated 25.03.2020."

He, therefore, submits that Petitioner deserves the same treatment.

4. In view of the above, this writ petition is disposed of with a direction to the Chairman, District level Committee-cum-Collector, Kendrapara-Opposite Party No.2 to dispose of appeal of the members of the Petitioner-Committee to pass necessary orders on their representation to be filed seeking compensation with regard to loss sustained by them due to alleged action, if any committed by the Opposite Party No.4-Divisional Forest Officer, Rajnagar Wild-life and Mangrove Division, Kendrapada within a period of four months from the date of receipt of a copy of this order. Needless to say that such individual representation(s) claiming compensation should be filed within a period of six weeks hence by the members of the Petitioner-Committee detailing the loss, if any sustained by him/them due to alleged action of Opposite Party No.4.

4.1 It is also made clear that the Court has not expressed any opinion on the merits of the case of the Petitioner either in the appeal or in the representation to be filed claiming compensation.

5. With the aforesaid observation and direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy