

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.8126/2022

1. Thannu S/o Purkha Dhikar,
Aged about 67 years,
Occupation :- Agriculturist
2. Surendra S/o Babulal Dhikare,
Aged about 59 years,
Occupation :- Agriculturist
3. Mansa W/o Jayta Uikeerme,
Aged about 52 years,
Occupation :- Agriculturist
4. Lalman S/o Nathu Mawaskar,
Aged about 49 years,
Occupation :- Agriculturist
5. Smt. Ganga S/o Kalu Dhikar,
Aged about 64 years,
Occu. :- Agriculturist

All R/o. At Semadoh (Dhana),
Taluka- Chikhaldara, District -
Amravati.

.....PETITIONERS

...V E R S U S...

1. State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya Mumbai-400 032
2. State of Maharashtra,
Through its Secretary of Forest,
Mantralaya, Mumbai- 40 032
3. Divisional Level Forest Rights
Committee and Division
Commissioner through President,
Amravati

4. District Level Forest Rights Committee and Collector, Amravati, through its President
5. Range Forest Officer, Taluka Tahsil – Shemadoh Post - Chikhadra, District – Amravati
6. Chikhaldara Tahsildar, District - Amravati
7. Gram Panchayat, Semadoh District – Amravati, Through its Secretary, Tahsil – Shemadoh Post – Chikadra, District - Amravati

...RESPONDENTS

Mr. S. I. Ghatte, Advocate for petitioner.

Mr. A. S. Fulzele, Additional Government Pleader for respondent nos. 1 to 6.

CORAM:- A. S. CHANDURKAR & ANIL L. PANSARE, JJ.

DATED :- 16.12.2022

ORAL JUDGMENT (Per: A. S. Chandurkar, J.)

Rule. Rule is made returnable forthwith. Heard Mr. Ghatte, learned counsel for petitioners and Mr. Fulzele, learned Additional Government Pleader for respondent nos. 1 to 6. Service to respondent no. 7 is dispensed with.

2. The grievance of the petitioners is that pursuant to the orders dated 09.07.2021 and 11.02.2021, passed by the Divisional Level Forest Rights Committee remanding the petitioners'

applications to the District Level Forest Rights Committee, those proceedings have not been adjudicated. Without doing so, the petitioners are sought to be dispossessed.

3. We find that in the light of the provisions of Section 4(5) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, till the proceedings of remand are decided, the possession of the petitioners is not liable to be disturbed. Accordingly, the writ petition is disposed of by directing the District Level Forest Rights Committee to decide the proceedings that have been remanded in accordance with law and preferably within a period of two months expiring on 28.02.2023.

4. Till such time the proceedings are pending with the District Level Forest Rights Committee, the possession of the petitioners shall remain protected.

Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

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Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 19.12.2022
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