

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

WRIT PETITION NO.8114/2022

Lalji S/o Lalman Dhande,
Aged about 58 years,
Occupation :- Agriculturist,
R/o. At Mungiya, Po. Harisal,
Taluka-Dharni, District – Amravati.

.....PETITIONER

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

1. State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya Mumbai-32
2. State of Maharashtra,
Through its Secretary,
Forest Department, Mantralaya,
Mumbai-32
3. Division Level Forest Rights Committee,
Through its President/Divisional
Commissioner, Amravati
4. District Level Forest Rights Committee,
Through its President/Collector,
Amravati
5. Range Forest Officer, Harisal,
Tq-Dharni, District – Amravati
6. The Tahsildar, Dharni,
District – Amravati
7. Gram Panchayat, Mangiya,
Through its Secretary, Tq. Dharni,
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 petitioner 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 petitioner is that pursuant to the order dated 03.09.2021, passed by the Divisional Level Forest Rights Committee remanding the petitioner's application to the District Level Forest Rights Committee, those proceedings have not been adjudicated. Without doing so, the petitioner is 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 petitioner 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 petitioner 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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