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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

910 WRIT PETITION NO.10494 OF 2023

**GADRYA BHIMA BARELA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

....

Mr M. D. Narwadkar, Advocate for Petitioners;
Mr A. V. Deshmukh, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 30th August, 2023

PER COURT:

1. The Petitioners have put forth prayer clauses (B) and (C) as under :-

“B. By appropriate Writ, order or direction, the Respondent No. 4-Forest Rights Committee be directed to accept the Forest Rights Claims of the petitioners as contemplated U/section 6 of Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules thereof and Government Resolution dated 11.11.2016.

C. Pending hearing and final disposal of this Writ Petition the Respondent Authorities may kindly be restrained from taking any coercive action against the Petitioners.”

(2)

2. We have considered the submissions of the learned Advocates for the respective sides. From page Nos.36 to 110, are the Applications put forth by these Petitioners before the Forest Committee at the Village Level as per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules therein. These Applications were not entertained on the ground that, there are no claims pending before Respondent No.4/Committee. The Petitioners, therefore, approached the Appellate Committee, which informed them that, they will first have to approach the Forest Committee at the Village level.

3. In view of the above, **this petition is disposed off**, with liberty to the Petitioners to tender these Applications from page Nos.36 to 110 to Respondent No.4/ Forest Right Committee, on or before 15/09/2023. Respondent No.4 would not refuse to accept these Applications. The same shall be dealt with in accordance with the provisions of the Act and the Rules. All contentions of the parties are kept open.

4. Needless to state, Respondent No.4 shall follow the due procedure laid down in law and after completing all the legal

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formalities, would decide the said Applications with a reasoned order, within 120 days to be counted from 16/09/2023.

5. Until the decision by the said Committee, the Petitioners would be protected only to the extent of their activities outside the core area and no activities inside the core area, would be permitted. If there is any activity inside the core area, the same shall be immediately stopped.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk