



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

WRIT PETITION NO. 3920 OF 2019

(Vasanta s/o Ramaji Maulikar vs. District Level Forest Rights Committee and Additional Collector, Chandrapur and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. S.S.Bhalerao, Advocate for petitioner.
Mrs. Mukta Kavimandan, AGP for respondent Nos.1 and 2.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 07, 2025

- 1) Heard learned counsel for the petitioner and learned Assistant Government Pleader for respondent Nos.1 and 2. None present for respondent No.3 though served.
- 2) Learned counsel for the petitioner invited my attention to the Rule 5 of the Scheduled tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 prescribed the constitution of Sub-Divisional Level Committee, which reads as follows :-

"5. Sub-Divisional Level Committee.— The State Government shall constitute Sub Divisional Level Committee with the following members, namely:—

(a) Sub-Divisional Officer or equivalent officer — Chairperson;

(b) Forest Officer in charge of a Sub-division or equivalent officer — member;

(c) Three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a women member; or in areas covered under the sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

(d) An officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs."

- 3) I have gone through the order passed by the Committee.
- 4) Without going into the merits of the matter, when the Committee itself is not constituted as per Rule 5, consequently the impugned order cannot be sustained in the eyes of law. On this ground alone the impugned order dated 27/06/2018 passed by respondent No.1 and order dated 15/09/2017 passed by respondent No.2 are hereby quashed and set aside.
- 5) The petitioner is at liberty to file afresh application and same shall be considered by the authority in accordance with law.

(SIDDHESHWAR S. THOMBRE, J.)