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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5179 of 2026

1 - Vinod Sahu S/o Shri Ram Kishore Sahu Aged About 49 Years R/o Village Gorkhpur, Tehsil Pendra Road, District Gaurela-Pendra-Marwahi Chhattisgarh

2 - Amol Pathak S/o Shri Omprakash Pathak Aged About 49 Years R/o Agrasen Chowk, Gourela, Tehsil Pendra Road, District Gaurela-Pendra-Marwahi Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Forest, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh

2 - State Of Chhattisgarh Through Its Secretary, Tourism Department, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh

3 - Chhattisgarh Tourism Board Through Its Managing Director, 2nd Floor, Udyog Bhawan, Ring Road No. 01, Telibandha, Raipur, District Raipur Chhattisgarh

4 - Collector District Gaurela-Pendra-Marwahi Chhattisgarh

5 - Divisional Forest Officer Forest Divison Marwahi, District Gaurela-Pendra-Marwahi Chhattisgarh

6 - Ranger Forest Range Gaurela, Forest Division Marwahi, District Gaurela-Pendra-Marwahi Chhattisgarh

7 - Joint Forest Management Committee (JFMC) Aamanala, Through Its Secretary, Village Tharpathra, Tehsil Gaurela, District Gaurela-Pendra-Marwahi Chhattisgarh

8 - Nitesh Kumar Kachhwaha S/o Shri Ashok Kumar Kachhwaha R/o Jain Mandir Ke Paas, Pendra Road, District Gaurela-Pendra-Marwahi Chhattisgarh

... Respondents

For Petitioners	:	Mr. Surfaraj Khan, Advocate
For Respondent No.3	:	Mr. Suyash Dhar Badgaiyan, Advocate
For State	:	Mr. Priyank Rathi, GA

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

12/10/2026

1. The petitioners, in this Writ Petition, have prayed for the following reliefs:-

> *"10.1 Issue an appropriate writ(s), order(s) or direction(s), particularly a writ in the nature of Certiorari, quashing and setting aside the impugned order dated 24.09.2026 (Annexure P/1) passed by respondent No.5 (DFO Marwahi), whereby the Tripartite MOU dated 03.09.2025 (Annexure P/4) has been cancelled and the petitioners have been directed to vacate the Dharampani Eco Tourism Resort and hand over its charge/management to the Secretary, Joint Forest Management Committee, Aamanala.*
> *10.2 That this Hon'ble Court may kindly be pleased to call for entire record of the subject matter from the respondent authorities.*
> *10.3 Grant any other relief, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, including costs of the petition."*

2. Facts of the case in brief are that the petitioners have filed the present petition challenging the order dated 24.09.2026 (Annexure P/1) passed

by respondent No.5- Divisional Forest Officer, Forest Division-Marwahi, directing them to vacate the Dharampani Eco Tourism Resort within one month and hand over its charge to respondent No.7 on the alleged violation of the terms and conditions of the Tripartite Memorandum of Understanding dated 03.09.2025, executed for the maintenance and operation of the resort. Hence, this petition.

3. Learned counsel for the petitioners submits that a Tripartite Memorandum of Understanding was executed between the petitioners and respondents No.6 and 7. He submits that in the event of any violation of the terms and conditions of the said agreement, the competent authority to take action would be the concerned Ranger and not the Divisional Forest Officer (DFO). He further submits that the impugned order dated 24.09.2026 has been passed by the DFO without jurisdiction and is, therefore, not in accordance with law. He, therefore, prays for indulgence of this Court.

4. *Per contra,* learned State counsel submits that the DFO is a superior authority to the concerned Ranger and, therefore, was competent to intervene in the matter and pass the impugned order. He submits that before passing the impugned order, the petitioners were granted due opportunity of hearing and they had also filed their reply, which was duly considered. He further submits that Clause 6 of the Tripartite Memorandum of Understanding categorically provides that the agreement may be terminated by giving one month's notice and that, in the event of any violation of the applicable rules, the agreement may be terminated forthwith. He also submits that the impugned order has been

passed in accordance with the terms and conditions of the agreement and, therefore, the contention raised by the petitioners is not sustainable. He, therefore, prays for dismissal of the writ petition.

5. Heard learned counsel for the parties and perused the material available on record.

6. From the perusal of the Tripartite Memorandum of Understanding, particularly Clause 6 thereof, as well as the notice issued to the petitioners and their reply thereto, it appears that the petitioners were afforded an opportunity of hearing before passing of the impugned order. Therefore, this Court is of the opinion that respondent No.5, being a superior authority to the concerned Ranger, the impugned order cannot be faulted with solely on the ground that it was not passed by the concerned Ranger. Accordingly, the contention raised by the petitioners in this regard is not sustainable.

7. Consequently, the writ petition is dismissed.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-

(Amitendra Kishore Prasad)
Judge

Priyanka