

WMS No. 3022 of 2017

**Hon'ble Manoj K. Tiwari, J.**

Mr. Hem Chandra Joshi,  
Advocate for the petitioners.

Mr. N.S. Pundir, Deputy Advocate  
General for the State.

The petitioners in the writ petition  
have prayed for the following relief:-

*“(a) Issue a writ, order or direction in the nature of mandamus directing the respondents not to create hindrance in use of dwelling place of the petitioners.*

*(b) Issue a writ, order or direction in the nature of Mandamus directing the respondents to rehabilitate the petitioners as per Government Policy at some suitable places which are earmarked for rehabilitation of the Gujjar community”.*

The contention of the petitioners is that they are Van Gujjars and their interest is protected by the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. In pursuance to the said Act, Rules known as Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 have been framed by the State while exercising the powers under Section 14 (1) and (2) of the Act.

In the writ petition, the petitioners have contended that the respondents are trying to evict the petitioners from the land in question which they claim, they are in

possession and living since their ancestors.

To pursue their remedy and to retain their possession, they have already submitted representation before the Director, Rajaji National Park.

Without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to respondent No. 3 to consider and decide the representation submitted by the petitioners by passing a speaking order, within six weeks from the date of presentation of this order.

Respondent no. 3 while deciding the representation, will hear the petitioners individually as to whether their rights of retention falls within the ambit of the Act and the Rules framed thereunder as well as other related policies in relation thereto.

The decision taken on the said representation should be communicated to the petitioners.

Till decision is taken, the petitioners shall not be evicted.

**(Manoj K. Tiwari, J.)**

30.11.2017