

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPC No. 2683 of 2024**

1. Nehru Ojha S/o Sombaru Aged About 55 Years R/o Village Daspur, Gram Panchayat Saibeenkachhar, Tahsil Amlipadar, District Gariyaband, C.G.
2. Punuram S/o Madan Yadav Aged About 44 Years R/o Village Pipalkhuta, Gram Panchayat Dhanora, Tahsil Amlipadar, District Gariyaband, C.G.
3. Bhujbal Netam S/o Gundhar Netam Aged About 40 Years R/o Gram Panchayat Ghumrapadar, Tahsil Amlipadar, District Gariyaband, C.G.
4. Bhokardhan S/o Ganeshram Aged About 31 Years R/o Gram Panchayat Ghumrapadar, Tahsil Amlipadar, District Gariyaband, C.G.
5. Chitrashen S/o Ganeshram Aged About 40 Years R/o Gram Panchayat Ghumrapadar, Tahsil Amlipadar, District Gariyaband, C.G.
6. Sarju S/o Ramjan Aged About 60 Years R/o Gram Panchayat Ghumrapadar, Tahsil Amlipadar, District Gariyaband, C.G.
7. Uddhav Netam S/o Nakul Netam Aged About 39 Years R/o Gram Panchayat Ghumrapadar, Tahsil Amlipadar, District Gariyaband, C.G.
8. Parsuram Sori S/o Lakhidhar Sori Aged About 41 Years R/o Village Pipalkhuta, Gram Panchayat Dhanora, Tahsil Amlipadar, District Gariyaband, C.G.
9. Mehattar S/o Bansu Aged About 40 Years R/o Daspur, Gram Panchayat Saibeenkachhar, Tahsil Amlipadar, District Gariyaband, C.G.
10. Bhojlal S/o Rajaram Aged About 32 Years R/o Daspur, Gram Panchayat Saibeenkachhar, Tahsil Amlipadar, District Gariyaband, C.G.
11. Gonchu S/o Dhansai Aged About 45 Years R/o Daspur, Gram Panchayat Saibeenkachhar, Tahsil Amlipadar, District Gariyaband, C.G.
12. Narsingh S/o Lachindar Aged About 60 Years R/o Daspur, Gram Panchayat Saibeenkachhar, Tahsil Amlipadar, District Gariyaband, C.G.
13. Raviram Netam S/o Nakul Netam Aged About 41 Years R/o Gram Panchayat Ghumrapadar, Tahsil Amlipadar, District Gariyaband, C.G.
14. Amrit Netam S/o Sonbaru Gond Aged About 60 Years R/o Gram Panchayat Koyba, Tahsil Amlipadar, District Gariyaband, C.G.
15. Jairam Mandavi S/o Mayaram Mandavi Aged About 41 Years R/o Daspur, Gram Panchayat Saibeenkachhar, Tahsil Amlipadar, District

Gariyaband, C.G.

---- Petitioners

**Versus**

1. State of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, C.G.
2. Deputy Director Udanti Seetanadi Tiger Reserve Gariyaband, District Gariyaband, C.G.
3. Collector Gariyaband, District Gariyaband, C.G.
4. Divisional Forest Officer Raipur Division, Indagaon (Bafar), Gariyaband, District Gariyaband, C.G.

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For Petitioners	:	Mr. Amrito Das, Advocate with Mr. K.S. Pradhan, Advocate.
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For State	:	Mr. Akhilesh Kumar, GA.
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**Hon'ble Shri Justice Sachin Singh Rajput**  
**Order on Board**

**31/05/2024**

1. By way of this writ petition, petitioners have sought the following reliefs :-

“10.1 That, this Hon’ble Court may kindly be pleased to quash/set-aside the impugned order notice dated 16.05.2023 (Annexure P-1) issued by the respondent No.2, in the interest of justice.

10.2. That, the Hon’ble Court may kindly be pleased to direct the respondent authorities to allotment of possession of land as Van Adhikar Patta within stipulated time, in the interest of justice.

10.3. Any appropriate writ, direction or order may also kindly be passed in favour of the petitioners, which this Hon’ble Court deems fit in the circumstances of the case.”

2. Learned counsel for the petitioners submits that present petitioners are the forest dwellers and residing in the forest for almost 40-50 years. Many of them are belonging to Scheduled Tribes. Suddenly, a drive was undertaken by the State Government to evict the forest dwellers. Notices were issued to many of the forest dwellers, however, some of them have not been served with notices. The State Authorities are hell-bent to remove the petitioners from their residents. He further contended that as per provisions of Section 4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short, 'Act of 2006'), the petitioners may be permitted to move appropriate application before the concerned District Level Committee/Gram Panchayat for issuance of the forest rights. Till the application is decided, petitioners may not be be evicted from their premises/residents. He also pointed out that many writ petitions having identical issues have been filed before this Court, (WPC No.2493/2024) is one of them in which this Court permitted the petitioners therein to make proper application before the appropriate Forest Authorities in accordance with the provisions of Section 4 of the Act of 2006. Hence, he prays for similar relief in this writ petition also.
3. Per contra, learned State Counsel submits that many of the petitioners not served with the notices as their names have not reflected from order dated 16.05.2023 (Annexure P-1), therefore, at this stage petitioners do not have any cause of action to file this writ petition. However, he fairly admitted that in WPC No.2493/2024 this Court has permitted the petitioners therein to move appropriate application before the appropriate Forest Authorities/Authorities.
4. Heard learned counsel for the respective parties.

5. Be that as it may, from perusal of order dated 09.05.2024 (Annexure P-3), it appears that similarly situated forest dwellers have been granted permission to move appropriate application before the appropriate Forest Authorities/Authorities under Section 4 of the Act of 2006.
6. Admittedly, the petitioners have not moved any applications according to the provisions of Section 4 of the Act of 2006, but at the same time, Section 4 (5) of the Act of 2006 subsequently says that “no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.” Considering facts of the case, submissions of learned counsel for the respective parties, writ petition is disposed of at this stage in terms of the order dated 09.05.2024 passed in WPC No.2493/2024. Petitioners herein are permitted to make proper application before the appropriate Forest Authorities/Authorities in accordance with provisions of Section 4 read with Section 6 of the Act of 2006 within ‘four weeks’ from today. On submission of such application, concerned Forest Authorities/Authorities are directed to consider and decide the same strictly in accordance with law preferably within an outer limit of ‘06 months’ from the date of receipt of copy of such application.

CC as per rules.

**Sd/-**  
**(Sachin Singh Rajput)**  
Judge

Jamal/-