



2025:CGHC:55413



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5929 of 2025

Dhirpal Singh Kachlame S/o Mukund Ram Kachlame Aged About 52 Years
R/o Salhe Tola (Godlwahi), Godalwahi, District Rajnandgaon C.G.

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary Department Of Forest And
Climate Change, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur
C.G.

2 - Collector, Rajnandgaon District Rajnandgaon C.G.

3 - Forest Range Officer, Khujji, District Rajnandgaon C.G.

... Respondents

For Petitioner	:	Mr. Aniruddha Shrivastava, Advocate
For Respondent-State	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board

13.11.2025

1. Petitioner has filed this writ petition, seeking following reliefs:-

“10.1 Issue a writ, order or direction in the nature of Mandamus quashing and setting aside the impugned eviction notices dated 26.07.2025 (Annexure P/1) and 20.08.2025 (Annexure P/2), issued by the Forest Range Officer, Range Khujji, District Rajnandgaon (C.G.), being illegal, arbitrary, unjust and contrary



to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

10.2 Issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to forthwith consider and decide the representations of the petitioners (Annexure P/4) for grant of Van Adhikar Patta in accordance with law and in light of the resolution of the Gram Sabha, Gondelwahi, dated 2013 (Annexure P/3).

10.3 Issue a writ, order or direction restraining the respondents from dispossessing or evicting the petitioners from the land in question until their rights under the FRA, 2006 are duly adjudicated and settled or alternatively provide alternate lands to the petitioner of their survival.

10.4 Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. Learned counsel for petitioner submits that petitioner is an illiterate resident of rural area. He is in possession of the land subject matter of notice Annexure P-1, since last about 20 years. Petitioner as per advice has submitted an application before Village Panchayat for grant of rights over the Govt. land possessed by him and according to the resolution of Village Panchayat recommendation is made in his favor for granting him forest rights.
3. Learned counsel for State opposes the submission of counsel for petitioner and submits that Annexure P-1 is passed by authority considering that petitioner has encroached over Govt. forest land i.e. reserved forest bearing Compartment no. RF 669 of Karutola. He also submits that document which is filed is not the proceedings of Gram Sabha it is only proceedings recorded by Village Panchayat. Village Panchayat is not a competent authority to consider the request for recommending name of petitioner for forest rights in accordance of provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2007. He further submits that no document has been placed on record by petitioner to show that he has submitted an application seeking forest rights over the land possessed by him before competent authority, therefore no relief as



prayed for can be granted to him.

4. I have heard learned counsel for respective parties, perused the documents placed on record.
5. The claim of petitioner is that he is resident of said area since last about 20 years, however, because of unawareness as also petitioner being illiterate was not aware of procedure as prescribed under the Act of 2006 and Rules 2007 to file an application before appropriate authority for grant of forest rights. Respondent no. 3 has issued notice asking him to vacate the government land possessed by petitioner and to report.
6. In the aforementioned facts of the case, in particular considering the provision under the Act of 2006 and Rules 2007 which provides an opportunity to persons/parties residing in the forest area possessing Govt. land to submit an application in the prescribed format before the competent authority i.e. the Gram Sabha and it is to be processed as provided under the Act of 2006 and Rules 2007. I find it appropriate to dispose of this writ petition at this stage, permitting petitioner to submit an application in accordance with the Rules of 2007 in prescribed format and the same be considered by appropriate authority according to Rules of 2007, in accordance with law.
7. Accordingly, this writ petition is disposed of permitting petitioner to submit an application before the competent authority as provided under Rule 2007 within a period of 6 weeks from today and if, such an application is submitted by petitioner to concerned authority/ Gram Sabha shall process the claim of petitioner following due process of law, expeditiously thereafter.
8. It is directed that for a period of 06 weeks no action shall be taken against petitioner pursuant to Annexure P-1 and if, petitioner submits an application within prescribed period then respondents are restrained from taking action pursuant to Annexure P-1 till decision on application submitted by petitioner. It is for the petitioner to apprise the authority



i.e. Respondent no. 3/Forest Range Officer about filing of an application under the Act of 2006 and Rules 2007 by submitting a copy of application before it.

9. With the aforementioned observation/direction, writ petition is disposed of.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge