

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1740 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 2320 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 2910 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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KHANT KALIYABHAI CHHAGANBHAI & ORS.**Versus****STATE OF GUJARAT & ORS.****Appearance:****MR ARTH V PARGHI(11292) for the Petitioner(s) No. 1,2,3,4,5,6,7,8****MR VD PARGHI(568) for the Petitioner(s) No. 1,2,3,4,5,6,7,8****MS NIRALI SARDA, ASST. GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4,5,6,7 in SCA/1740/2025;****MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4,5,6,7 in SCA/2320/2025;****MR ANGESH A PANCHAL, ASST. GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4,5,6,7 in SCA/2910/2025.****CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK****Date : 23/03/2026****COMMON JUDGMENT**

1. Since common issue is involved in the captioned writ petitions, the same are heard analogously and are being decided by this common judgment.

2. Rule returnable forthwith. Learned Assistant Government Pleaders Ms. Nirali Sarada, Mr. Nikunj Kanara and Mr. Angesh Panchal,

waive service of notice of Rule for and on behalf of the respondents – State Authorities in respective petitions.

3. With the consent of the learned counsel appearing for the respective parties, the petitions have been taken up for final hearing today.

4. In view of the fact that common issue is involved in all the writ petitions, the Special Civil Application No. 1740 of 2025 is treated as lead matter, wherein, under Article 226 of the Constitution of India read with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Act, 2008, the petitioners have prayed for the following reliefs :

“(A) YOUR LORDSHIPS may be pleased to admit and allow this petition.

(B) YOUR LORDSHIPS may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in nature of mandamus directing the State Authorities that the physical possession of land bearing Survey No.28, situated at Village-Rampura, Tal.Dahod, Dist.Dahod as per rules and regulations of the government be allotted to the petitioners and also directing the Forest Department not to disturb the possession in the land of the petitioners.

(C) YOUR LORDSHIPS may be pleased to issue a writ of mandamus directing to the respondents to undertake the procedure for compliance against the order issued by State Government to the petitioners and hand over the possession of land bearing granted from land Survey No.28, situated at Village-Rampura, Tal.Dahod, Dist.Dahod forthwith.

(D) Be pleased to pass such other and further relief that is just, fit and expedient in the facts and circumstances of the case, in favour of the petitioners.”

5. In view of the fact that Special Civil Application No. 1740 of 2025 is treated as lead matter, facts mentioned in the said Special Civil Application are considered. It is the case of the petitioners that, the petitioners reside since last so many years alongwith their family

in village Rampura of Ta. & Dist. Dahod. That, the dispute is with regard to the land bearing Survey No.28, situated at Village-Rampura, Tal. Dahod, Dist. Dahod (hereinafter be referred as 'disputed land'). That, the father of the petitioners and thereafter the present petitioners cultivate on the disputed land continuously since the year-1980 and their names entered in the Panti Patrak and for the cultivation of the disputed land, the petitioners paid revenue with the respondent authority. That, in December-2006, the Parliament of India enacted the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2005 (also known as Forest Rights Act (FRA), 2006) and the object of this Act was to recognize and vest the forest rights and occupations in forest lands of the Forest Dwelling Scheduled Tribes (FDST's) and Other Traditional Forest Dwellers (OTFDs), who have been residing in the forests for generations, but whose rights could not be recorded earlier, to provide a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting. That, on 1st January, 2008, exercising the powers conferred by Section 14 of the Forest Rights Act, the Ministry of Tribal Affairs, Government of India issued final notification of the Forest Schedule Other Traditional Tribes and Dwellers (Recognition of Forest Rights) Act, 2007, (also known as Forest Rights Rules, 2007), which provide details of procedures to be followed for verification of claims, composition of Village level, Sub divisional level and District level Forest Rights Committees and also State Level Monitoring Committee (SLMC) and their functions and Rule 13 of these Rules lists types of evidences that are to be considered while determining the nature and extent of the forest rights. Thereafter, from March, 2008 the respondent State Government took immediate steps for the implementation of this Act and organized special meetings of Gramsabhas in all 12 eastern tribal

districts of the State for constitution of village Forest Rights Committees, constituted District and Sub-divisional level Committee printed and distributed application forms for both Individual as well Community Rights to all these villages, got the Act and the Rules translated into Gujarati and widely distributed copies of the same and awareness raising material to the villages, organized training camp for FRC members, etc. That, after this, from April 2008, the Gramsabhas and the village Forest Rights Committees (FRC) started the process of receiving and verification of the claims for forest rights, as provided under the Act and the Rules. That, the Rampura village was also made Gramsabha in the year-2008 and completed the procedure of Gramsabha and passed the resolution in favor of the petitioners and other forest dwellers as per the Forest Rights Act, 2006. That, since the year-1980 the petitioners' father and thereafter the present petitioners cultivating the land and became a legal occupier and they have been cultivating the disputed lands. That, the petitioners have presented their Dava alongwith required documents before the Rampura Gam Van Adhikar Samittee on 14/10/2008. That, the petitioners have also made so many representations / applications to the respondent authority alongwith required documents like Revenue Receipts, Form No.7/12, Caste Certificate, Ration Card, Aadhar Card, Election Card, Certificate regarding the petitioner are not doing job, Photographs of the disputed land, Team Inspection Report, Panchnama of disputed land with request to issue Sanad in their favor but, the respondent authorities have not bothered the same and have not considered their application or not issued Sanad.

6. Being aggrieved and dissatisfied with the inaction on the part of the respondent authorities, the concerned petitioners have preferred these petitions.

7. Heard Mr. V.D. Parghi, learned counsel appearing for the petitioners and learned Assistant Government Pleaders appearing for the respondent – State Authorities.

8. Learned counsel Mr. Parghi has submitted that though the list is prepared by the Gram Sabha of village Rampura, however, till date, the land was not allotted legally to the petitioners. He has submitted that the petitioners are Forest Dwelling Scheduled Tribes residing in the Forest of Village-Rampura, Tal. Dahod, Dist. Dahod and they are entitled to get recognized and recorded their forest rights and occupations in forest lands under the historic legislation passed by the Parliament of India in 2005, namely "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (also known in short as Forest Rights Act (FRA)). He has further submitted that the petitioners reside in the said Village-Rampura and by farming the land of Forest Department maintain their family since the year-1980 and they have no any income except the agriculture work. He has further submitted that some of the petitioners, who are forest dwellers and have preferred the claim under the Forest Rights Act filed Writ Petition (PIL) No.100 of 2011 and requested to consider their claim and after considering the facts and circumstances, the Hon'ble Supreme Court has passed an order and directed to reconsider the claim of such petitioners, however, the respondent authorities have not bothered the same and made correspondence to each other. Over and above the grounds agitated in the memo of petition, learned counsel Mr. Parghi has urged that the present petitions be allowed and the respondent authorities be directed to consider the claim of the petitioners and hand over the possession of land in question.

9. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. Considering the submissions canvassed by the learned counsel for the petitioners and considering the facts and circumstances of the case, present petitions are partly allowed. The respondents - State Authorities are hereby directed to decide the claim of all the petitioners as expeditiously as possible in accordance with law, after giving an opportunity to produce all the relevant documents and after giving an opportunity of hearing to all the concerned parties. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(HEMANT M. PRACHCHAK,J)

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