

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13912 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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KATARA KASUBHAI DHIRABHAI & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance: SHAILESH R THAKORE(9310) for the Petitioner(s) No. 1,2,3,4,5

MS NIRALI SARDA AGP for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 2,3,4

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 20/03/2026****JUDGMENT**

1. Rule returnable forthwith. Learned counsel for the respondent waives service of notice of rule on behalf of the respondent. With the consent of the respective parties the present petition is taken up for final hearing today.

2. Present petition is filed by the petitioner under Articles 14, 19(1)(g), 226, 227 and 300A of the Constitution of India read with the provisions of the Forest Act, 1927 and Rules therein seeking following reliefs:

"A. YOUR LORDSHIPS may kindly be pleased to issue a writ of mandamus or any other writ, order or direction, directing the respondents to further process the claims of the petitioners in

accordance with the law and directions of this Hon'ble Court in WRIT PETITION (PIL) NO. 100 of 2011 and approve the claims of the petitioners in accordance with law considering the representations made by the petitioners.

B. DURING PENDENCY AND UNTIL THE FINAL DISPOSAL OF THE CAPTIONED PETITION, YOUR LORDSHIPS MAY KINDLY BE PLEASED TO direct the respondents to not disturb the possession of the petitioners on the forest land; AND

C. YOUR LORDSHIPS MAY BE PLEASED TO grant any other and further reliefs as MY LORDS deem fit in the broad interest of justice and equity."

3. Brief facts giving rise to the present petition are that, the petitioners are the Scheduled Tribes and Other Traditional Forest Dwellers and are residing in forest village at Chakaliya, Taluka: Jhalod, District: - Dahod and are occupying and cultivating on survey no. 126 of Moje Chakaliya, Taluka: Jhalod, District: Dahod. That, the petitioners have been recognized under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred as "The Act") and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (hereinafter referred as "The Rules") which aims at structuring the recognition and conferring the forest rights and occupation of forest land to the Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers, who are residing in the forests for generations, however their rights could not be recognized. That, after implementation of the Act, the village Forest Rights Committees (FRCS), the District and Sub-Divisional Level Committees (DLCs and SDLCs) were constituted and large number of Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers including the petitioners filed application forms along with the evidences for claiming their Forest Rights as stipulated under the Act and the Rules.

That, a large number of claims which were approved by Gram Sabha were rejected by SDLCs and DLCs on the ground that the evidences adduced along with the claims were not appropriate and which then resulted into litigations by way of WPPIL/100/2011 and allied matters which were disposed of vide order dated 03.05.2013 inter alia directing the competent authorities to comply with Rule 13 and amended Rule 12-A of the rules. That, the petitioners made representations to the respondent authorities and requested them to conclude the process of claims within 30 days. However, the respondent authorities till date have neither reverted back nor further processed the claims of the petitioners. Being aggrieved and dissatisfied by the inaction of the respondent authorities in further processing the claims of the petitioners, the petitioners have preferred the present petition.

4. Heard the learned counsel for the respective parties. Perused the materials available on record.

5. I have heard the learned counsel for the respective parties and have considered the facts of the case. It appears from the record that the petitioners, who belong to Scheduled Tribes and Other Traditional Forest Dwellers are seeking legal recourse for claiming their Forest Rights as stipulated under the Act and the Rules. Although they have applied for claiming their Forest Rights, their claims were rejected by committees despite approval by the Gram Sabha. It appears that despite a court directive issued in Writ Petition (PIL) No. 100 Of 2011 to follow proper legal procedures, the respondent authorities have failed to act upon the same and consequently, the petitioners have filed this petition challenging the inaction of the respondent authorities regarding their forest claims.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the respective parties and averments made in the petition, the matter deserves to be allowed.

7. In the result, the present petition is allowed. The petitioners shall submit a fresh application for processing the claims of the petitioners in accordance with the law before the respondent - authorities along with the relevant documentary evidences within a period of two weeks from the date of receipt of the writ of this order and the respondent - authorities shall decide the same in accordance with law, after giving proper opportunity of hearing to the petitioners as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the application. Rule is made absolute to the aforesaid extent.

(HEMANT M. PRACHCHAK,J)

ANUSRI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANUSRI VASU(HC02352), ENGLISH STENO GRADE-II, at High Court of Gujarat on 30/03/2026 17:35:22