

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1624 OF 2023

**KAUSHALYABAI GOPINATH GAIKWAD AND OTHERS
VERSUS
UNION OF INDIA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. G.L. Deshpande h/f. Mr. Amol Ashok Kokad
AGP for Respondent Nos.2 to 4 and 8: Mr. S.B. Yawalkar
Advocate for Respondent Nos.1 and 6 / UOI : Mr. Madhur A. Golegaonkar

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**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 13.02.2023

PER COURT :

Leave granted to delete respondent No.7.

2. The petitioners are before this Court aggrieved by the fact that their appeal purportedly preferred under Section 6A of the Scheduled Tribes and Other Traditional Forest Dwellers Forest Rights Recognition Act, 2006 and the Rules framed thereunder of the year 2008, is not being entertained on the ground that no such appeal is entertainable since the petitioners' occupation is in respect of an area which is not a scheduled area.

3. Learned AGP referring to the Government Resolution dated 28.09.2020 confirms the fact that the remedy of appeal is available only in respect of the scheduled areas.

4. In view of such a stand being taken by the respondents – State, the learned advocate for the petitioners seeks leave to amend the petition and the prayer clause.

5. Leave granted.
6. Amendment to be carried out within two days.
7. Issue notice to the respondents. Learned AGP waives service for respondents Nos.2 to 4 and 8. Learned advocate Mr. Golegaonkar waives service for respondent Nos.1 and 6.
8. Stand over to 27.02.2023. Till then, no coercive action shall be taken against the petitioners.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)