



2026:AHC:57551-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10276 of 2026

Gulbasiya And 10 Others

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Satish Kumar Mishra
Counsel for Respondent(s)	:	A.S.G.I., C.S.C., Pradeep Singh

Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

1. Heard Sri Satish Kumar Mishra, learned counsel for the petitioners and Sri Anshul Nigam, learned Standing Counsel for the State respondents.
2. Petitioners claim to be forest dwellers upon a piece of land which the respondent-forest authorities claimed to be its own land.
3. It is argued by learned counsel for the petitioners that petitioners are protected under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It is submitted that no action of dispossession/ throwing them out of the land claiming to be reserved for forest area, could have been taken except by following the procedure prescribed under Rule 8 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.
4. Learned Standing Counsel submits that petitioners application are still pending consideration before the Collector Sonbhadra, who may be directed to dispose of the same in accordance with law.
5. Having heard learned counsel for the respective parties and having perused the records, in our considered view, if the petitioners belong to scheduled tribes and are having possession of some land under the impression that it is a tribal land though the land falls in reserved forest area, proceedings shall be undertaken against them only by following the procedure prescribed under Rule 8 of Rules, 2008; and while Collector would examine the application of the petitioners, he will ensure also that the procedure prescribed under the Forest Act, 2006 and Regulations

framed thereunder are fully complied with.

6. The Collector concerned shall be passing appropriate order upon the pending application of the petitioners in accordance with law within a maximum period of three months from the date of production of certified copy of this order.

7. Until such disposal of the application or for the period of four months from today, no coercive action shall be taken against the petitioners to evict them from the land in question.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

March 19, 2026

piyush