



HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 3248 of 2023

1. Upendra S/o Keshnath Aged About 40 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
2. Durjan Singh S/o Ramsingh Aged About 38 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
3. Jagduram S/o Sukhdu Ram Aged About 30 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
4. Tusliram S/o Chaituram Aged About 40 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
5. Kushal S/o Ramnath Aged About 38 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
6. Suklal S/o Chamru Aged About 37 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
7. Basehi S/o Ayatvaaru Aged About 72 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
8. Manjhiram S/o Sukdu Aged About 35 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
9. Mahru S/o Jaysing Aged About 45 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
10. Baisakhu S/o Chhechharam Aged About 66 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
11. Lakesh S/o Sukalu Aged About 35 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
12. Rajaram S/o Bhadduram Aged About 55 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
13. Ayturam S/o Budhram Aged About 66 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
14. Ramlal S/o Dayaram Aged About 65 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
15. Rajkumar S/o Lachhin Aged About 40 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
16. Ramnath S/o Dhaniram Aged About 45 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh



17. Mansa S/o Jarharam Aged About 45 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
18. Baisakhu S/o Sunaram Aged About 45 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
19. Hiranman Banuram Aged About 67 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
20. Rajman S/o Bhuduram Aged About 55 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
21. Minesh S/o Dhaniram Aged About 30 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
22. Suknath S/o Ramsig Aged About 37 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
23. Keshnath S/o Mahanguram Aged About 45 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
24. Rasalu S/o Lakhamu Aged About 40 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
25. Ramdev S/o Fagan Aged About 45 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
26. Hiralal S/o Sukhdas Aged About 38 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
27. Dukhlal S/o Samaru Aged About 50 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
28. Dhaniram S/o Lchin Aged About 32 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh
29. Ashabai D/o Lal Sing Aged About 30 Years R/o Village Tangraan, Gram Panchayat Khokadi, District Gariyaband, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Forest And Climate Change, Mahandi Bhawan, Nawa Raipur Atal Nagar, 492002
2. Principal Chief Conservator Of Forest Aranyabhawan, North Block, Sector 19 Naya Raipur Atal Nagar, Chhattisgarh
3. Deputy Secretary Department Of Forest And Climate Change, Mahandi Bhawan, Nawa Raipur Atal Nagar, 492002



4. Divisional Forest Officer Gariyaband, District - Gariyaband Chhattisgarh
5. Deputy Director Udantisitanadi Tiger Reserve, Gariyaband, District - Gariyaband Chhattisgarh
6. Forest Range Officer Taurenga, District - Gariyaband Chhattisgarh

---- Respondents

For Petitioners	: Mr. Tanuj Patwardhan, Advocate.
For State/Respondents	: Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

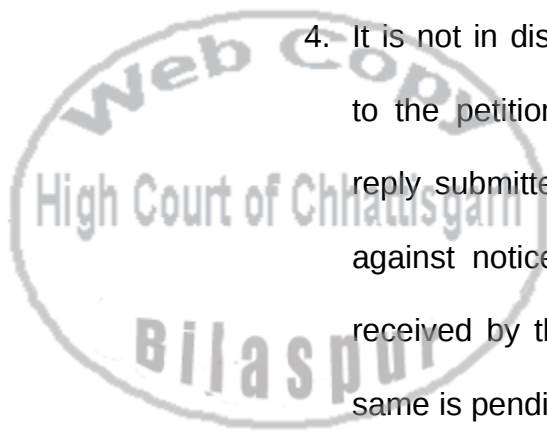
20/07/2023

1. Learned counsel for the petitioners submits that petitioners are scheduled tribes (Adivasis) and reside in the Village Tangraan, Gram Panchayat Khokadi, which is situated inside reserve forest area under the Udanti Sidandi Tiger Reserve, Gariyaband. Respondent Forest Department issued notice to the petitioners under the Indian Forest Act, 1947 to which petitioners replied. The respondent authorities have passed an order rejecting reply submitted by the petitioners on the ground that it is not supported by any documentary evidence. Against the decision of the Forest Department, petitioners have filed an appeal before the State Government under Section 88A of the Indian Forest Act, 1947, which is pending consideration. The petitioners apprehend that during pendency of appeal, the respondent Department may evict the petitioners at any moment from the subject property and, therefore, they have approached this Court seeking protection from their eviction/demolition of their huts and badi pending consideration of appeal. He also pointed out that copy of memo of appeal, which is sent to the appellate authority by



registered post, is also annexed along with writ petition.

2. Learned counsel for the respondent/State submits that pursuant to the observation made by this Court, he has sought instruction in respect of the status of appeal and as per information received, the appeal forwarded by the petitioners through post is received in the office and it will be considered in accordance with law. He also pointed out that the petitioners have also filed an application for stay along with appeal.
3. I have heard counsel for the parties and perused the documents annexed with the writ petition.
4. It is not in dispute that the respondents have issued eviction notice to the petitioners to which they replied and after considering the reply submitted by the petitioners reply was rejected. Appeal filed against notice of eviction dated 1.6.2023 and rejection of reply is received by the appellate authority i.e. State Government, and the same is pending consideration.
5. Considering the fact and circumstances of case, submissions of learned counsel for the parties, in particular submission of learned State Counsel that petitioners have already submitted an appeal before the Appellate Authority along with an application for grant of stay, which is pending consideration, this writ petition is disposed of with a direction to the appellate authority to decide the appeal submitted by petitioners in accordance with law expeditiously, preferably within a period of two months from the date of receipt of this order. If for any reason, appeal of petitioner is not decided within the time fixed, then appellate authority shall consider and decide application for grant of stay filed by the petitioner along with





appeal within a period of two months. The petitioners are expected to cooperate with the appellate authority in hearing and disposing of appeal/stay application.

6. It is directed that the respondents shall not take any step/action for eviction of petitioners from the subject land for a period of two months or till application for grant of stay is decided.
7. Learned State Counsel is directed to apprise the respondent authorities about the order passed by this Court.
8. Certified copy today.

Sd/-

(Parth Prateem Sahu)
JUDGE

