



2026:CGHC:16573

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1636 of 2026

1 - Smt. Shanti W/o Shri Samuel Aged About 64 Years R/o Mohalla Dabripani,
Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja (C.G.)

--- **Petitioner(s)**

versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New
Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New
Raipur, Distt. Raipur (C.G.)

3 - The Collector District Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer District Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur District Sarguja
(C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division- Ambikapur District Sarguja
(C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District Sarguja (C.G.)

--- Respondent(s)

WPC No. 1685 of 2026

1 - Mohd. Ahmad Ansari S/o Mohd. Alijan Ansari Aged About 46 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan Atal Nagar, New Raipur, District : Raipur, Chhattisgarh

2 - The Secretary Department Of Forest Mahanadi Bhawan, Atal Nagar New Raipur, District : Raipur, Chhattisgarh

3 - The Collector, District Surguja, Ambikapur Chhattisgarh

4 - The District Forest Officer, District Surguja Chhattisgarh (Ambikapur)

5 - The Sub Divisional Officer (Forest), Sub Division -Ambikapur District Surguja Chhattisgarh

6 - The Sub Divisional Officer (Rev.), Sub Division-Ambikapur District - Surguja Chhattisgarh

7 - The Forest Range Officer, Forest Range Ambikapur District - Surguja Chhattisgarh

--- Respondent(s)

WPC No. 1683 of 2026

1 - Harilal S/o Shri Chhandan Ram Aged About 47 Years R/o Mohalla Dabripani,
Village Bandhiyachuwan, Tahsil Ambikapur District - Sarguja Chhattisgarh

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New
Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District - Raipur
Chhattisgarh

2 - The Secretary, Department Of Forest, Mahanadi Bhawan, Atal Nagar, New
Raipur, District Raipur Chhattisgarh

3 - The Collector, District Sarguja, Ambikapur Chhattisgarh

4 - The District Forest Officer, District Sarguja Chhattisgarh (Ambikapur)

5 - The Sub Divisional Officer (Forest), Sub Division -Ambikapur District Sarguja
Chhattisgarh

6 - The Sub Divisional Officer (Rev.), Sub Division-Ambikapur District - Sarguja
Chhattisgarh

7 - The Forest Range Officer, Forest Range Ambikapur District - Sarguja
Chhattisgarh

--- **Respondent(s)**

WPC No. 1678 of 2026

1 - Mohd. Dilsad S/o Mohd. Remas Miyan, Aged About 43 Years R/o Mohalla
Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja (C.G.)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

2 - The Secretary , Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

3 - The Collector, District Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer (Forest), District Sarguja (C.G.)(Ambikapur)

5 - The Sub Divisional Officer (Forest), Sub Division -Ambikapur District Sarguja (C.G.)

6 - The Sub Divisional Officer (Rev.), Sub Division-Ambikapur District Sarguja (C.G.)

7 - The Forest Range Officer, Forest Range-Ambikapur District Sarguja (C.G.)

--- Respondent(s)

WPC No. 1676 of 2026

1 - Leeladhar Yadav S/o Shri Kanwar Yadav Aged About 44 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur, District- Sarguja (Cg)

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (Cg)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (Cg)

3 - The Collector District- Sarguja (Cg) Ambikapur

4 - The District Forest Officer District Sarguja (Cg) Ambikapur

5 - The Sub Divisional Officer (Forest) Sub Division Ambikapur, District- Sarguja (Cg)

6 - The Sub Division Officer (Rev.) Sub Division Ambikapur, District- Sarguja (Cg)

7 - The Forest Range Officer Forest Range- Ambikapur, District- Sarguja (Cg)

--- Respondent(s)

WPC No. 1672 of 2026

1 - Mansoor Ali S/o Kayoom Ali Aged About 38 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

3 - The Collector District Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer District Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur District Sarguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division- Ambikapur District Sarguja (C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District Sarguja (C.G.)

--- Respondent(s)

WPC No. 1671 of 2026

1 - Seraj Ansari S/o Shri Alihusain Ansari Aged About 53 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja Chhattisgarh

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur Chhattisgarh

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur Chhattisgarh

3 - The Collector District Sarguja, Ambikapur Chhattisgarh

4 - The District Forest Officer District Sarguja, Chhattisgarh Ambikapur

5 - The Sub Divisional Officer (Forest) Sub Division Ambikapur, District Sarguja Chhattisgarh

6 - The Sub Divisional Officer (Rev) Sub Division - Ambikapur, District Sarguja Chhattisgarh

7 - The Forest Range Officer Forest Range - Ambikapur, District Sarguja Chhattisgarh

--- Respondent(s)

WPC No. 1670 of 2026

1 - Ropna Ram Nagasia S/o Shri Fitul Ram Aged About 38 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur, District Sarguja Chhattisgarh

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur Chhattisgarh

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur Chhattisgarh

3 - The Collector District Sarguja, Ambikapur Chhattisgarh

4 - The District Forest Officer District Sarguja Chhattisgarh (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub-Division Ambikapur District Sarguja Chhattisgarh

6 - The Sub Divisional Officer (Rev) Sub Division - Ambikapur, District Sarguja Chhattisgarh

7 - The Forest Range Officer Forest Range - Ambikapur, District Surguja Chhattisgarh

--- Respondent(s)

WPC No. 1669 of 2026

1 - Vijay Ram Korva S/o. Shri Shyamsundar Ram Aged About 40 Years R/o.- Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District- Surguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh. Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Distt.- Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt.- Raipur (C.G.)

3 - The Collector District- Surguja, Ambikapur (C.G.)

4 - The District Forest Officer District- Surguja (Ambikapur) (C.G.).

5 - The Sub Divisional Officer (Forest) Sub Division Ambikapur District Surguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division Ambikapur District- Surguja (C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District- Surguja (C.G.)

--- Respondent(s)

WPC No. 1664 of 2026

1 - Chandan Kumar S/o Shri Rajendra Ram Aged About 38 Years R/o Mohalla Dabripani Village Bandhiyachuwan Tahsil Ambikapur District- Sarguja (C.G.)

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary Department Of Revenue New Mantralaya Mahanadi Bhawan Atal Nagar, New Raipur Distt- Raipur (C.G.)

2 - The Secretary Department Of Forest Mahanadi Bhawan Atal Nagar, New Raipur Distt- Raipur (C.G.)

3 - The Collector District- Sarguja Ambikapur (C.G.)

4 - The District Forest Officer District- Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division Ambikapur District- Sarguja (C.G.)

6 - The Sub Divisional Officer (Rev) Sub Division Ambikapur District- Sarguja (C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District- Sarguja (C.G.)

--- **Respondent(s)**

WPC No. 1663 of 2026

1 - Kamla Thakur S/o Sudarshan Thakur Aged About 50 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District- Sarguja Chhattisgarh.

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.

3 - The Collector District Sarguja, Ambikapur Chhattisgarh.

4 - The District Forest Officer District Sarguja (Ambikapur) Chhattisgarh.

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur District Sarguja Chhattisgarh.

6 - The Sub Divisional Officer (Revenue) Sub Division Ambikapur District Sarguja Chhattisgarh.

7 - The Forest Range Officer Forest Range- Ambikapur District- Sarguja Chhattisgarh.

--- Respondent(s)

WPC No. 1662 of 2026

1 - Kurban Idrishi S/o Shri Tayyum Khalifa Aged About 41 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

3 - The Collector District Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer District Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur District Sarguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division- Ambikapur District Sarguja (C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District Sarguja (C.G.)

--- Respondent(s)

WPC No. 1649 of 2026

1 - Manbodh Painkra@Manbodh Ram Painkra S/o Shri Reku Sai Aged About 56 Years R/o Mohalla Dabripani, Village- Bandhiyachuwan, Tahsil- Ambikapur, District- Sarguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt.- Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, District- Raipur (C.G.)

3 - The Collector District- Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer District- Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur, District- Sarguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division - Ambikapur, District- Sarguja (C.G.)

7 - The Forest Range Officer Forest Range - Ambikapur, District- Sarguja (C.G.)

--- Respondent(s)

WPC No. 1646 of 2026

1 - Dhaneshwar S/o Anand Aged About 45 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District- Sarguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District- Raipur (C.G.)

2 - The Secretary, Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, District- Raipur (C.G.)

3 - The Collector, District Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer, District - Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division Ambikapur District- Sarguja (C.G.)

6 - The Forest Range Officer, Forest Range Ambikapur District- Sarguja (C.G.)

--- Respondent(s)

WPC No. 1645 of 2026

1 - Smt. Sunita Ekka W/o Shri Bajru Ekka Aged About 54 Years R/o Mohalla
Dabripani Village Bandhiyachuwan Tahsil Ambikapur District- Sarguja (C.G.)

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue New
Mantralaya Mahanadi Bhawan Atal Nagar, New Raipur, Distt- Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan Atal Nagar, New
Raipur, Distt- Raipur (C.G.)

3 - The Collector District Sarguja Ambikapur (C.G.)

4 - The District Forest Officer District- Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division Ambikapur District- Sarguja
(C.G.)

6 - The Sub Divisional Officer (Rev) Sub Division- Ambikapur District- Sarguja
(C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District- Sarguja (C.G.)

--- **Respondent(s)**

WPC No. 1643 of 2026

1 - Smt. Rehana Parveen W/o Saqir Ansari Aged About 43 Years R/o Mohalla
Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja (C.G.)

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

3 - The Collector District Surguja, Ambikapur (C.G.)

4 - The District Forest Officer District Surguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur District Surguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division- Ambikapur District Surguja (C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District Surguja (C.G.)

--- Respondent(s)

WPC No. 1642 of 2026

1 - Shaukal Ali @ Shaukat Ali S/o. Shri Mojib Ansari @ Mojim Ansari Aged About 35 Years R/o. Mohalla Dabripani, Village Bandhiyachuan, Tahsil Ambikpaur District- Surguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Matralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Distt.- Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt.- Raipur (C.G.)

3 - The Collector District- Surguja, Ambikapur (C.G.)

4 - The District Forest Officer District- Surguja (Ambikapur) (C.G.)

5 - The Sub Divisional Officer (Forest) Sub Divisional Ambikapur District- Surguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division Ambikapur District- Surguja (C.G.)

7 - The Forest Range Officer Forest Range Ambikapur District- Surguja (C.G.)

--- Respondent(s)

WPC No. 1641 of 2026

1 - Damru Yadav @ Damrudhar Yadav S/o Shri Kunwar Ram Aged About 32 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur, District- Surguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt.- Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt.- Raipur (C.G.)

3 - The Collector District- Surguja, Ambikapur (C.G.)

4 - The District Forest Officer District- Surguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division - Ambikapur, District- Surguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division - Ambikapur, District- Sarguja (C.G.)

7 - The Forest Range Officer Forest Range - Ambikapur, District- Sarguja (C.G.)

--- Respondent(s)

WPC No. 1639 of 2026

1 - Sanjay Bada S/o Shri Vigan Bada Aged About 38 Years R/o Mohalla Dabripani, Village Bandhiyachuwan, Tahsil Ambikapur District Sarguja (C.G.)

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh. Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

2 - The Secretary Department Of Forest, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt. Raipur (C.G.)

3 - The Collector District Sarguja, Ambikapur (C.G.)

4 - The District Forest Officer District Sarguja (C.G.) (Ambikapur)

5 - The Sub Divisional Officer (Forest) Sub Division- Ambikapur District Sarguja (C.G.)

6 - The Sub Divisional Officer (Rev.) Sub Division- Ambikapur District Sarguja (C.G.)

7 - The Forest Range Officer Forest Range- Ambikapur District Sarguja (C.G.)

--- Respondent(s)

(Cause title taken from CIS periphery)

For Petitioners	:	Shri AN Bhakta and Shri Vivek Bhakta, Advocates.
For State/Res	:	Shri RK Gupta, Addl AG, Shri Sabyasachi Choubey, GA, Shri Shobhit Mishra, Dy GA, Shri Shreyansh Mehta, PL and Shri Abhishek Gupta, PL.

Hon’ble Mr. Justice Amitendra Kishore Prasad
Order on Board

10/04/2026

1. Since the issue involved in these batch of Writ Petitions is one and the same, they have been clubbed together, heard together and are being disposed of by this common order.
2. By way of these writ petitions, the petitioners are challenging the impugned eviction notice dated 17.03.2026 passed by The District Forest Officer, Surguja Chhattisgarh whereby petitioners have been directed to remove the encroachment made by them within a period of 7 days, failing which, encroachment made by the petitioners will be removed with the help Police Administration. The petitioner have been alleged to encroach land falling in Mahamaya Pahad/ Dabripani under RF-2582 (reserved) forest land, details of which in respect of the each of the petitioners is given below in a tabulated format.

WPC number	Land encroached (dismil/hectare)	WPC number	Land encroached (dismil/hectare)
1636/2026	0.020	1663/2026	0.202
1639/2026	0.111	1664/2026	0.097

1641/2026	0.016	1669/2026	0.077
1642/2026	0.109	1670/2026	0.100
1643/2026	0.001	1671/2026	0.002
1645/2026	0.007	1672/2026	0.100
1646/2026	0.027	1676/2026	0.03
1649/2026	0.062	1678/2026	0.119
1662/2026	0.097	1683/2026	0.037
		1685/2026	0.089

3. In sum and substance, all the writ petitioners have prayed for the following reliefs, however, disputed land area with regard to each of the petitioners be read as mentioned in the above tabulated chart:-

10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the case from the authorities concerned for its kind perusal.

10.2 That, the Hon'ble Court may kindly be pleased to set-aside / quash the impugned eviction / dispossession notice dated 17.03.2026 (AN P-1) issued by the District Forest Officer, District Sarguja (Ambikapur) (Resp No.04), and the Petitioner be allowed to reside at the suit property/ house (Reserved Forest compartment No. 2582, area about 0.020 hectare).

10.3 That, the Hon'ble Court may kindly be pleased to, as an alternative measure, the Respondent authority (State) be directed to provide appropriate government land for residence of petitioner's family in case of dispossession / eviction, in the interest of justice.

10.4 That, the Hon'ble Court may kindly be pleased to pass any other relief, which this Hon'ble High Court deems fit and proper be also awarded.

4. Learned counsel for the petitioners submits that the petitioners are poor

and landless persons who are not having any residential houses. As such, they constructed their hutment on the land in question and are temporarily residing in it since the last 40-50 years. However, on 17.03.2026, impugned eviction notice was issued to the petitioners which was specifically in reference to the earlier eviction notice dated 17.01.2025 for removal of encroachment. Since the petitioners who are dwelling upon the encroached land did not remove the construction within one year from the date of issuance of notice dated 17.01.2025, therefore, impugned notice dated 17.03.2026 has been issued. By the said notice, as a last opportunity, the petitioners have been directed to remove the encroachment made upon 'Mahamaya Pahad/ Dabripani under RF-2582 (Reserved) Forest Land within seven days.

5. Learned counsel for the petitioners further submits that since the petitioners are landless persons and they are residing in the encroached land since 4-5 decades their possession is required to be protected and also for the reason that the petitioners are willing to appear and participate in the proceedings before the competent authority before whom proceedings will be initiated as per law.
6. Learned counsel for the petitioners fairly submits that the State being a welfare state may consider the circumstances facing the petitioners as they have no other shelter to dwell on and further the petitioners are willing and ready to cooperate in the proceedings ought to be initiated under the law. Therefore, the authorities concerned may be directed not to take any

coercive steps against the petitioners.

7. Learned State counsel submits that the petitioners are encroachers on the forest land, as such, eviction notice was issued way back on 17.01.2025. Accordingly, the petitioners have been granted ample opportunity, however, they did not paid heed to the said notice and upon issuance of notice dated 17.03.2026, they are rushing to the Court without availing themselves of the alternate remedy under the law. Hence these petitions are not required to be entertained.
8. I have heard learned counsel for the parties and perused the material available with the petitions.
9. From the perusal of record, it is quite vivid that the petitioners are encroachers on the forest land, in which they constructed their hutment as they are poor persons and are dwelling thereon since the last 4-5 decades which is apparent from the photographs filed with the petition.
10. The Hon'ble Supreme Court in the case of **Ahmedabad Municipal Corporation Vs. Nawab Khan Gulab Khan and Ors [(1997) 11 SCC 121]**, has observed the constitutional duty of the State in cases involving encroachment. The relevant portion of the afore-cited judgment is reproduced hereunder:-

“13....It would, therefore, be clear that though no person has a right to encroach and erect structures or otherwise on footpath, pavement or public streets or any other place reserved or earmarked for a public purpose, the State has the Constitutional duty to provide adequate facilities and opportunities by distributing its wealth and resources for

settlement of life and erection of shelter over their heads to make the right to life meaningful, effective and fruitful..."

11. Further, the Hon'ble Supreme Court in the case of **In Re: T.N. Godavarman Thirumulpad Vs. Union of India and Ors. (MANU/SC/0762/2025, 2025 SCC OnLine SC 1227)**, while dealing with issue of right to shelter referred the case of **Chameli Singh and Ors. v. State of U.P. and Anr. [(1996) 2 SCC 549]**, in which it has been held as under:-

"8....Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc..."

12. It is very much clear that no person has a right to encroach and erect structures or otherwise on footpath, pavement or public streets, reserved forest or any other place reserved or earmarked for a public purpose. Without following the process of law, nobody can be granted a blanket liberty to reside on the house illegally constructed on encroached forest land. But at the same time, the State being a welfare State is also required to consider the case of the petitioners as the petitioners are land less persons and dwelling on the encroached land for a considerable span of years provided that process of law has to be adhered as established.

13. Under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter "**The Act, 2006**") with The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (hereinafter "**the Rules, 2007**"), there is specific provision for consideration of the settlement of the persons like petitioners in the reserve forest land. As per Rules 2007, at first, an application has to be moved before the Gram Sabha in this regard. Thereafter, the concerned Gram Sabha will verify the same and forward the application to the Sub Divisional Level Committee comprising of the Sub-Divisional Officer, Forest Officer and three members of Block or Tehsil level Panchayats and one Officer of the Tribal Welfare Department. The said Committee will further consider the entitlement of the petitioners like persons and will sent the matter to the District Level Committee which comprises of District Collector or Deputy Commissioner, the concerned Divisional Forest Officer or concerned Deputy Conservator of Forest, three members of the district panchayat and one Officer of the Tribal Welfare Department. Thereafter, State Level Monitoring Committee is there to redress the claim of the petitioners like persons.
14. From the above discussion, it is quite vivid that first, the petitioners have to approach such authorities concerned as is available under the law to redress their grievance as regards the forest land. Bypassing the said proceedings and directly approaching this Court by filing this petition will not serve any useful purpose. Hence, the petitioners are directed to

approach the authorities concerned as and in the like manner provided under the Rules, 2007 or any other law for settlement in the disputed land within a period of 30 days from the date of receipt of copy of this order and in turn, the authorities concerned shall consider and decide the same in accordance with law after giving due opportunity of hearing to the petitioners in a pragmatic manner.

15. Till the said proceedings are concluded by the concerned authorities, they are directed not to take any coercive steps against the petitioners.

16. With these observations/directions, the Writ Petitions are disposed of.

17. The petitioners are also directed to cooperate in the proceedings emanated from the application filed by them before the authorities concerned.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash