

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 14413 of 2024

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Approved for Reporting	Yes	No
		✓

MEDA DINESHBHAI BADIYABHAI & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR VD PARGHI(568) for the Petitioners

MR ADITYA DAVDA AGP for the Respondents

CORAM:HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 30/03/2026

JUDGMENT

1. RULE returnable forthwith. Learned Assistant Government Pleader waives service of notice of rule on behalf of the respondents.
2. With the consent of learned counsel appearing for the respective parties, the present petition is taken up for final hearing.
3. Present petition is filed by the petitioners under Articles 226 of the Constitution of India and under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest

Rights) Act, 2006 and under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2008 seeking following reliefs:-

- (A) *YOUR LORDSHIP may be pleased to admit and allow this petition.*
- (B) *YOUR LORDSHIP may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in nature of mandamus directing the State Authorities that the physical possession of land bearing Survey No. 92 (Old Survey No. 21), Account No.203, situated at Village - Jarikhurd, Tal. Dahod, District: Dahod be allotted to the petitioners as per rules and regulations of the government and also directing the Forest Department not to disturb the possession in the land of the petitioners bearing Survey No. 92 (Old Survey no.21), Account No. 203 situated at Village - Jarikhurd, Tal. Dahod, Dist. Dahod.*
- (C) *YOUR LORDSHIP may be pleased to issue a writ of mandamus directing to the respondents to undertake the procedure for compliance against the order issued by State Government to the petitioners and handover the possession of land to the petitioners bearing Survey No. 92 (Old Survey No. 21), Account No.203, situated at Village - Jarikhurd, Tal. Dahod, District: Dahod forthwith.*
- (D) *YOUR LORDSHIP may be pleased to issue a writ of mandamus directing to the respondents to decide the matter within 3 months.*
- (E) *Be pleased to pass such other and further relief that is just, fit and expedient in the facts and circumstances of the case, in favour of the petitioners.*

4. Heard learned counsel for the petitioners and learned Assistant Government Pleader for the respondents. Perused the material placed on record.

5. Learned counsel appearing for the petitioners, submitted that the petition has been filed seeking direction to the State authorities to allot physical possession of the land as per the applicable rules and regulations of the government, coupled with the direction to the forest department not to disturb the possession.

6. Learned Assistant Government Pleader, submitted that as per the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 read with the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (hereinafter referred to as the "Rules of 2007"), an inbuilt mechanism is provided for the forest rights of the claimants. It is submitted that the form, initially, is to be submitted to the Gram Sabha who, in turn, after collecting all the necessary details, will submit it to the Forest Rights Committee which, in turn, will take steps in accordance with the provisions of Rule 12 of the Rules of 2007 and thereafter, will submit it to the Gram Sabha and/or the authority concerned which, thereafter, will pass a resolution either approving or rejecting the rights and if any person is aggrieved by the resolution of the Gram Sabha, the remedy available to the person concerned, is to file a petition to the Sub-divisional Level Committee and it will take steps as per the provisions of Rule 14 of the Rules of 2007 and further remedy, is available of filing a petition to the District level Committee. Therefore, it will be open to the petitioner to take steps in accordance with the provisions of the Act read with the Rules of 2007.

7. Learned counsel for the petitioners, submitted that the petitioners, if have not filed any application, shall file the application with the Gram Sabha and let the Gram Sabha and the Forest Rights Committee, take decision in accordance with the provisions of the

Rules of 2007.

8. In view of the above, the petition, is disposed of with a liberty to the petitioners to make an application in accordance with the Rules of 2007, with a further direction to the Gram Sabha and the Forest Rights Committee, to take steps and/or decision in accordance with the Rules of 2007 as early as possible preferably within a period of twelve months from the date of receipt of the application. Rule is made absolute to the aforesaid extent. There shall be no order as to costs. Direct service is permitted.

(HEMANT M. PRACHCHAK,J)

V.R. PANCHAL