## IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK.

(Original Jurisdiction Case)

W.P. (C)(PIL) No. 7219 of 2013

Code No. 219900

In the matter of:



An application Under Article 226 and 227 of the Constitution of India;

AND

In the matter of:

Presented in Court

Public Interest Litigation;

18.0. 25/3/13

AND

In the matter of:

An application challenging the inaction of opposite parties in not implementing Panchayat (Extension to the Scheduled Areas) Act 1996 and The Scheduled Tribes And Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and rules framed thereunder

AND

In the matter of:



P. K. MOHANTY NOTARY CUTTACK TOWN Khandadhar Horti-Agricultural & Forest producers
 Development Co-operative Ltd, At-Barghat, P.o-Kulipush, Via-Lahunipara, Dist-Sundargarh, represented by its secretary Nilamani Mohanta, aged about 45 years



S/O- Madhusudan MohantaAt-Barghat, Po-Kulipush, Via-Lahunipara, Dist-Sundargarh

Meghanath Sandil aged about 44years ,

S/O-Jhanda Sandil

At-Ranga Matia, Ps-Lohunipada, Dist-Sundargarh

Presently functioning as president of Khandadhar Horti-Agricultural & Forest producers development cooperative LTD, At-Barghat, Po-Kulipush, Via-Lahunipara,
Dist-Sundargarh .....Petitioners

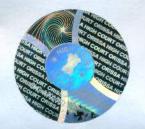
## -VERSUS-

- State of Odisha represented through its Chief Secretary,
   At- Secretariate building , p.o- Bhubaneswar ,
   Dist- Khurda.
- The Commissioner-cum- Secretary to govt. ,
   Department of Panchayat Raj, At- Secretariat Building,

   P.O- Bhubaneswar, Dist Khurda.
- 3. The Commissioner-cum-secretary to govt., Department of Forest & Environment, At- Secretariat Building, P.O-Bhubaneswar, Dist Khurda.
- The Commissione-cum-secretary to Govt.,
   S.C&S.T Development Department, At- Secretariat Building, P.O- Bhubaneswar, Dist – Khurda.
- 5. The Collector, Sundargarh, At/p.o/Dist-Sundargarh
- 6 . Talbahali Grampanchayat represented by

  Its Sarapanch, At/p.o- Talbahali , Dist- Sundargarh

...... Opp.Parties







Oly Och.

P. K. MOHANTY NOTARY CUTTACK TOWN



SI. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
6	26.11.201	Heard learned counsel for	the petitioners and learned
		counsel for the State-opposite party.	
		The petitioner no.1 has	presented itself to be a
		Cooperative Society registered und	der the Orissa self-help
		Cooperatives Act, 2002 and in essence	e, has filed this petition for
		implementation of the provisions of the	Scheduled Tribe and other
		Traditional Forest dwellers (recognition	of Forest Rights) Act, 2006
		and rules framed thereunder.	
		They are before this Cour	t with the grievance that in
		spite of several representations to the	he State-opposite party to
		implement the provisions of the Act in	letter and spirit, there has
		been no effective response.	
		The opposite parties 4 an	d 5 i.e., the Commissioner-
O H		cum-Secretary to Government, S.	C. & S.T. Development
		Department and the Collector, Sunday	rgarh in their joint counter
	20	have refuted the allegation made and h	ave categorically stated that
		the Committee as contemplated under	the Act has been formed in
		respect of the village Talbahali and	that the members of the
TWO RUPEE	Spo (5	petitioners' society, vis-à-vis their	claims as sought to be
INDIV MO UNDEES	D)IF	highlighted in the instant petition, oug	ght to have approached the
	tenos	Committee/Gramsabha for necessary re	edress. There is no rejoinder
	(20)	as on date controverting the correctness	s of the above statement.
	THE RESERVE TO THE PARTY OF THE	In the above view of the m	natter, the petition is closed.
	PAlle	In view of the recorded stand of the opp	posite party nos. 4 and 5, we
		are of the opinion that the relief sought	for has been met.
A) (A) (A) (A)	Set Cat		
			SII. A. Roy, I.J.
CRB/B	КВ	541	Dn.A.K. Rath.
Сквув	KB	591	

OGP-MP-PTS-U 1 (H. C.) 11-1,00,000 Books-17-07-2014

Date of Application:
Date of Notification:
Date of Supply:
Dete of Ready:
Date of Delivery:

MEMO OF COSTS

	Rs.	P.
Application Fee	5	50
Sparching Fee		
- Wa Eee for Urgency.	3	00
lios 3 Pages	7	50
ologram Fees (3)	3	00
Other items if any	1_	95
Total	20	95

(Rupees Twenty & Paise Ninety Five only)

EXAMINER OF CODIES

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Assistant Registrar (Estt.)
ORISSA HIGH COURT

Authorised Under Section 76 Act

