

**IN THE HIGH COURT OF ORISSA, CUTTACK  
(ORIGINAL JURISDICTION CASE)**

**W.P. ( C ) NO. 4933 OF 2008**

**CODE NO. 210400**

**IN THE MATTER OF:**

**An application Under Articles 226 and 227 of the Constitution of India;**

**IN THE MATTER OF:**

**An application challenging the virus of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Act 2 of 2007.**

**AND**

**IN THE MATTER OF:**

**An application under Articles 51A, under Part IV – A of the Constitution of India (Forty Second Amendment) Act 1976;**

**AND**

**IN THE MATTER OF:**

**THE SOCIETY OF RETIRED FOREST OFFICERS, ORISSA, (Registered No. 6571/344 of 1989 – 90) represented by it's Secretary, Shri Bishnu Charan Pal, aged about 65 years, Son of Late Hata Kishore Pal, resident of A/93, Sahidnagar, Bhubaneswar, Dist. Khurda.**

**... .. PETITIONER**

**- Versus -**

- 1. Government of India, Ministry of Tribal Affairs, represented by it's Secretary, Shastri Bhavan, NEW DELHI – 110 001.**

2. **Government of India, Ministry of Environment and Forests, represented by its Secretary, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, NEW DELHI – 110 001.**
3. **Director General of Forest, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodhi Road, New Delhi – 110 001.**
4. **The Principal Chief Secretary, Government of Orissa. Secretariat Building, Bhubaneswar, Dist. Khurda.**
5. **The Government of Orissa, Department of Forests, Environment and Ecology, represented by its Principal Secretary, Secretariat Building, Bhubaneswar, Dist. Khurda.**
6. **The Principal Chief Conservator of Forests, Aranya Bhavan, Bhubaneswar, Dist. Khurda;**

**Petitioners numbers 7 to 11 added as party vide Sl. Order no. 5 & 6 as**

7. **Kailash ch. Jani**
8. **Debaraj Mallick**
9. **Trinath Mallick**
10. **Kui Samaj Seba Samiti, Represented by Sudarsan Kanar, Joint Secretary**
11. **Badal Nayak**

**... .. OPP. PARTIES.**

**The matter out of which this Writ Application arises was never before this Hon'ble Court in any form whatsoever.**

**W.P. (C) NO. 4933 OF 2008**

[O.H.C. 98]

<b>Sl. No. of Order</b>	<b>Date of Order</b>	<b>ORDER WITH SIGNATURE</b>	<b>Office note as to action (if any), taken On order</b>
9	2.9.2008	<p style="text-align: center;"><b><u>Misc Case Nos. 9529 &amp; 10824 of 2008</u></b></p> <p>These are two intervention applications filed by the intervenor-petitioners to implead them as opposite parties in the writ petition.</p> <p style="text-align: center;">Heard</p> <p>Considering the grounds taken in the applications, the prayer for intervention is allowed. The intervenor-petitioners be impleaded as opposite party nos. 12 to 21 in the writ petition respectively.</p> <p style="text-align: center;">Misc. Cases are disposed of accordingly.</p> <p style="text-align: right;"><b>Sd/ I.M. Quddusi, J</b> <b>Sd/ B.P. Ray, J</b></p> <p style="text-align: center;"><b><u>W.P.(C) NO. 4933 OF 2008</u></b></p>	
10	2.9.2008	<p>Counter affidavit has been filed by the opposite party no. 10 in the Court today. The same be kept on record.</p> <p>List this case in the week commencing 22<sup>nd</sup> September 2008 for final disposal.</p> <p>In the meantime counter affidavit, if any, may be filed by the other opposite parties and rejoinder affidavit to the same be filed by the next date.</p> <p>Vide order dated 23.7.2008 passed in Misc. Case No. 10825 of 2008 the opposite parties were directed not to undertake any felling of trees and not to alienate any land by issuing patta or by any other manner pursuant to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007) particularly from out of the Sancturries, National Parks and Biospheres (Reserve Areas) until further orders. But that does not include the</p>	

		<p>process of identity and recognition of the persons etc. which are not covered interim order. Therefore, the process regarding identity and recognition may go on but the final decision shall not be taken without leave of this Court.</p> <p>This clarification has been issued on the request of learned counsel for the opposite party no. 10.</p> <p>Issue urgent certified copy of this order as per rule.</p> <p style="text-align: right;"><b>Sd/ I.M. Quddusi, J</b> <b>Sd/ B.P. Ray, J</b></p>
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