

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 ;

B.O.
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 :



1. 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 45years

25/3/13
P. K. MOHANTY
NOTARY CUTTACK TOWN



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

2. Meghanath Sandil

aged about 44 years ,

S/O-Jhanda Sandil

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

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

.....Petitioners

-VERSUS-

1. State of Odisha represented through its Chief Secretary,
At- Secretariate building , p.o- Bhubaneswar ,
Dist- Khurda.
2. 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.
4. 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



Dy
Asst.

P. K. MOHANTY
NOTARY CUTTACK TOWN

[O. H. C.-98]

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
6	26.11.2014	<p>Heard learned counsel for the petitioners and learned counsel for the State-opposite party.</p> <p>The petitioner no.1 has presented itself to be a Cooperative Society registered under the Orissa self-help Cooperatives Act, 2002 and in essence, 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.</p> <p>They are before this Court with the grievance that in spite of several representations to the State-opposite party to implement the provisions of the Act in letter and spirit, there has been no effective response.</p> <p>The opposite parties 4 and 5 i.e., the Commissioner-cum-Secretary to Government, S.C. & S.T. Development Department and the Collector, Sundargarh in their joint counter have refuted the allegation made and have 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 petitioners' society, vis-à-vis their claims as sought to be highlighted in the instant petition, ought to have approached the Committee/Gramsabha for necessary redress. There is no rejoinder as on date controverting the correctness of the above statement.</p> <p>In the above view of the matter, the petition is closed. In view of the recorded stand of the opposite party nos. 4 and 5, we are of the opinion that the relief sought for has been met.</p>	<p>SI - A. Roy, CJ</p> <p>SI - Dr. A.K. Rath, J</p>



CRB/BKB

26/11/14

Date of Application : 28/11/14
 Date of Notification : 28/11/14
 Date of Supply : 28/11/14
 Date of Ready : 28/11/14
 Date of Delivery : 28/11/14

A 92953/14

MEMO OF COSTS

	Rs.	P.
Application Fee.....	5	50
Searching Fee.....		
Extra Fee for Urgency.....	3	00
folios 3 Pages.....	7	50
Photogram Fees (3) ...	3	00
Other items if any.....	1	95
Total	20	95

(Rupees Twenty & Paise Ninety Five only)

Handwritten signature

EXAMINER OF COPIES
 CIVIL
 SUPERINTENDENT
 COPYING DEPARTMENT

28/11/14



CERTIFIED TO BE A TRUE COPY
 28.11.2014
 Assistant Registrar (Estt.)
 ORISSA HIGH COURT
 Authorised Under Section 36, Act I of 1956

(214)