

WPMS No. 2538 of 2017

Hon'ble Sharad Kumar Sharma, J.

Mr. Rajendra Dobhal, Senior Advocate assisted by Mr. Devang Dobhal, Advocate for the petitioners.

Mr. S.R. Joshi, Standing Counsel for the State/respondent nos. 1 to 5.

The petitioners in the writ petition have prayed for the following relief :

“(A) Issue a writ, order or direction in the nature of certiorari call for the records and quash the order dated 10.07.2017 (annexure No. 15 to the writ petition) passed by respondent No. 3 in the writ petition.

(B) Issue a writ, order or direction in the nature of mandamus commanding the respondents rehabilitate the petitioners as per Government policy at some suitable places which are earmarked for rehabilitation of the Gujjar community.

(C) Pass any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(D) Award the cost of the writ petition to the petitioners.”

The contention of the petitioners are that they are Van Gujjars and their interest is protected by the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. In pursuance to the said Act, the Rules called as Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 has been framed by the State while exercising the powers under Section 14 (1) and (2) of the Act.

In the writ petition, the petitioners have contended that the respondents are trying to evict the petitioners from the land in question which they

claimed that they are in possession and living since time of their ancestors by force.

To pursue their remedy and to retain their possession, the petitioners contend that they have already submitted representation before the Director, Rajaji National Park.

Without adjudicating the inter-se rights of the parties herein in the writ petition, it is directed that the respondent no. 3 will consider the respective representation filed by the petitioners and will decide the same within a period of four weeks from the date of service of this order strictly in accordance with law.

Respondent no. 3 while deciding the representation, will hear the petitioners individually as to whether their rights of retention falls within the ambit of the Act and the Rules framed therein as well as other related policies in relation thereto.

The writ petition stands disposed of.

(Sharad Kumar Sharma, J.)

09.04.2019