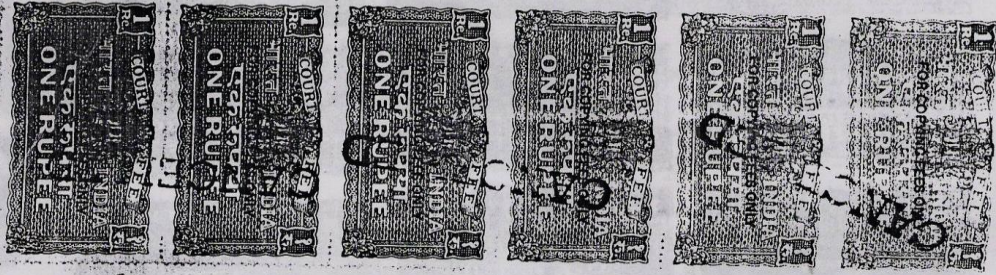


*Shri Gopal Narain,*  
 उत्तराखण्ड हाईकोर्ट, नैनीताल Advocate



36C.F.S-36B

### केवल नकल की फीस के लिए

आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की दि०  Date on which application is made for copy accompanied by the requisite stamp	नोटिस बोर्ड पर नकल तैयार होने की सूचना की ता०.....  Date of Posting notice on notice board	नकल वापस दिए जाने की ता०.....  Date of delivery of Copy	नकल वापस देने वाले अधिकारी के ह०  Signature of Officer delivering copy
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IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

W.P. No. 275 of 2006 (M/B).

Ban Gujjar Kalyan Samiti Vs. State of Uttaranchal and anr.

Copy of order dated 20/06/2007 is enclosed.

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL  
Writ Petition No. 275 of 2006 (M/B)

Ban Gujjar Kalyan Samiti,  
Through its Member Noor Alam S/o Haji Abdulah,  
Pradhan, Chile Wali Range,  
Raja Ji National Park,  
Dehradun.

..... Petitioner

Versus

1. State of Uttaranchal,  
through Secretary, Forest,  
Dehradun.
2. Director, Raja Ji National Park,  
Dehradun.

..... Respondents

Mr. L.P. Naithani, Advocate General with Mr. Lalit Sharma, Brief Holder for the respondents.  
Mr. Gopal Narain, Advocate for the petitioner.  
Mr. M.C. Kandpal, Senior Counsel with Mr. S.S. Chaudhary, Advocate for the proposed  
intervener.

**JUDGMENT**

**Coram: Hon'ble Rajeev Gupta, C.J.  
Hon'ble J.C.S. Rawat, J.**

**RAJEEV GUPTA, C.J. (Oral)**

Mr. L.P. Naithani, Advocate General with Mr. Lalit Sharma, Brief Holder for the respondents.

Mr. Gopal Narain, Advocate for the petitioner.

Mr. M.C. Kandpal, Senior Counsel with Mr. S.S. Chaudhary, Advocate for the proposed intervener.

2. On due consideration, CLMA No. 1590 of 2007 is allowed and Muslim Gujar Tribal Welfare Committee is allowed to intervene in the matter.

3. They are heard on CLMA No. 1594 of 2007 – a petition for grant of permission to the petitioner to file representation in the light of the newly enacted Act, namely, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 and a direction to respondent No. 2 to consider the petitioner's representation afresh.

4. The petitioner has filed the writ petition for the following reliefs:

- i) A writ, order, rule or direction in the nature of certiorari quashing the order dated 7-12-2005 (Annexure No. 5) passed by respondent No. 2 and the respondent No. 2 may be directed to include the names of the left out Ban Gujjar

in the list prepared for rehabilitation of the Ban Gujjar residing in Raja Ji National Park, Dehradun.

- ii) A writ, order, rule or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- iii) Award the cost of the petition to the petitioner.”

5. On due consideration, we are of the opinion that the claim of the petitioner Society and intervener as considered afresh by the concerned authorities in the context of the provisions of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

6. Therefore, CLMS No. 1594 of 2007 is allowed and the respondents are directed to consider the petitioner's and intervener's representations, to be submitted by them within four weeks from today in accordance with the provisions of the above Act. within a further period of four months after giving reasonable opportunity to all concerned in accordance with the provisions of the above Act.

7. It goes without saying that if the petitioner and intervener are not satisfied with the order to be passed on their representations, the petitioner and intervener shall be free to avail the remedies available to them under the provisions of the above Act.

8. With the above direction, the writ petition stands disposed of.

9. With the above order, CLMAs Nos. 2818 of 2006, 6745 of 2006 and 875 of 2007 also stand disposed of.

(J.C.S Rawat, J.)

20.06.2007

( Rajeev Gupta, C.J)

20.06.2007

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Signed by  
Section Offier  
(Copying Section)  
High Court of Uttarakhand  
Nainital.