

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 18600 of 2021**

(MAHA GRAM SABHA RORIYA AND OTHERS Vs UNION OF INDIA AND OTHERS)

Dated : 29-06-2022

Shri Kamalnath Nayak, learned counsel for the petitioners.

Learned counsel for petitioners is unable to reveal the legal status of petitioner no.1.

As such the present petition is being entertained on behalf of the petitioner no.2 only.

The petitioner who is a member of the Forest Dwelling Schedule Tribe in Village Dabra Khurd, Tahsil Kundam, District- Jabalpur (M.P.) is aggrieved by the order dated 11.05.2021 (Annexure P-1) by which the rights of a forest dwelling scheduled tribe member conferred by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short the '**2006 Act**') have been curtailed inasmuch as restraining collection and sale of Tendu Leaves by the exclusive mode of authorized officer of the State Government and agent of the State Government.

The aforesaid impugned order Annexure P-1 appears to have been passed under Section 5 of the M.P. Tendu Patta (Vyapar Viniyaman) Adhiniyam, 1964.

Learned counsel for petitioner while drawing attention of this Court to 2006 Act promulgated by the Parliament, submits that the rights of collection and sale of forest produce including tendu leaves of forest dwelling scheduled tribe members is protected by the 2006 Act.

It is also submitted that 2006 Act as per Section 13 is an Act not in derogation of any other law but in addition to any existing law including the

1964 Provincial Act.

The petitioner appears to have made out a case for interim relief.

Accordingly, it is directed that till the next date of hearing the impugned order dated 11.05.2021 passed by respondent No.7/Forest Range Officer, Kundam, District Jabalpur (M.P.) shall remain stayed.

Also issue notice to respondents on payment of process fee within seven working days.

C.C. as per rules.



(SHEEL NAGU)
JUDGE

P/-