

(2018) 06 CHH CK 0085
In the Chhattisgarh High Court
Case No : WA No. 536 Of 2018

Tilaknath

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 19-06-2018

Acts Referred:

Citation : (2018) 06 CHH CK 0085

Hon'ble Judges : Thottathil B. Radhakrishnan, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Aman Tamboli, Prafull N. Bharat

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, CJ

1. We have elaborately heard the learned counsel for the Appellant - writ petitioner on different aspects of this appeal instituted against the judgment of the learned Single Judge refusing to interfere with the cancellation of transfer of land which was under lease granted by the Government. We have also heard the learned Additional Advocate General.

2. The learned Single Judge has decided two issues against the Appellant on the basis of materials and admitted facts. The land was leased by the Government to a particular person. His legal representative transferred that land to the Appellant - Tilaknath. Admittedly, that transfer was in violation of the condition of the grant of lease to the effect that any transfer without prior permission of the Collector would be void. The second aspect of the case is that the land involved in this litigation is admittedly recorded as "Bade Jhad Ka Jangal". The said land could not have been transferred through lease by the Government even to the so called predecessor of the Appellant. This is the effect of the provisions of the Forest (Conservation) Act, 1980 as interpreted and laid down by the Hon'ble Supreme Court in T.N. Godavarman Thirumulkpad v. Union of India and others (1997) 2 SCC 267 which position has been followed in later precedents handed

down by the Apex Court as well.

3. Looking at the quality of findings in the impugned judgment and the basic facts and materials as well as the judicial precedents referred to by the learned Single Judge, we do not find our way to hold that the impugned judgment is vitiated on any count warranting interference through an intra Court appeal. Hence, this writ appeal fails. The same is accordingly dismissed.