

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No. 423 OF 2012

UNION OF INDIA

..... PETITIONER

Versus

**AKHILA BHARATHIYA ADIVASI
VIKASA PARISHAD & ORS**

..... RESPONDENTS

ORDER

1 The Union of India has sought a transfer of Writ Petition (Civil) No. 15798 of 2009 pending before the High Court of Judicature of Andhra Pradesh at Hyderabad to this Court under Article 139(A) of the Constitution.

2 The Writ Petition before the High Court assails the constitutional validity of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, (Act No. 2 of 2007).

3 A Writ Petition under Article 32 of the Constitution – Writ Petition (Civil) No. 50 of 2008, challenging the vires of the Act is pending before the Court.

4 Notice was issued in this proceeding on 13 January 2014 and a stay of further proceedings before the High Court was granted. The office report indicates that service of notice is complete. No appearance has been entered on behalf of the respondents.

5 Since a substantive Writ Petition under Article 32 is pending before this Court where the vires of the same central statute is in issue, we accede to the prayer for transfer of the proceedings pending before the High Court to this Court.

6 Consequently, Writ Petition (Civil) No. 15798 of 2009 pending before the High Court of Judicature of Andhra Pradesh at Hyderabad is transferred to this Court. The registry is directed to take necessary steps to ensure that the papers and proceedings are transmitted to this Court expeditiously.

7 The Transfer Petition is accordingly disposed of.

.....CJI
[DIPAK MISRA]

.....J
[A. M. KHANWILKAR]

.....J
[Dr D Y CHANDRACHUD]

New Delhi
November 13, 2017

ITEM NO.14

COURT NO.1

SECTION XVI -A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G STransfer Petition(s) (Civil) No(s).423/2012

UNION OF INDIA

Petitioner(s)

VERSUS

AKHILA BHARATIYA
ADIVASI VIKAS PARISHAD & ORS.

Respondent(s)

Date : 13-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Ms.Pinky Anand, ASG
Mr.A.K.Shrivastav, Adv.
Mr.Rishabh Jain, Adv.
Mr.Hemant Arya, Adv.
Ms.Pallavi Chopra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RThe Transfer Petition is disposed of in terms of the
signed order.(Chetan Kumar)
Court Master(H.S.Parasher)
Assistant Registrar
(Signed reportable order is placed on the file)