

"Reg. 4:- No waste or unoccupied land at the disposal of the government in a reserve area shall be allotted for agricultural purpose to any person other than a member of an aboriginal tribe:-

Provide that the Chief Commissioner may allot any such land to any person other than a member of aboriginal tribe:-

- a. If the Chief Commissioner is satisfied that such land is not required by any such member or
- b. If in his opinion the allotment of land to a person other than a member of an aboriginal tribe is necessary for the purpose of consolidation of land or is otherwise in the public interest."

That a mere reading of the aforesaid provision indicates that even in tribal reserve area lands can be allotted to non tribals but the utilisation and or allotment of land shall be confined for agricultural purpose. In the instant case the land recorded in the name of the petitioners are all agricultural land and thus there is no restriction and or impediment upon the petitioner from undertaking agricultural activity on the aforesaid plots of land. That the land bearing survey No. 188/2 though classified as commercial land does not does stands recorded in favour of the petitioner and thus the petitioner has no locus to ventilate the alleged grievance of Shri. Binod Sing who is the recorded owner of the subject land.

18. That the contents of para 7 is denied and disputed and the writ petitioner is put to the strict proof thereof in this regard. In this regard it is further submitted that by virtue of the notification dated 30th October 2007 it has been notified to declare the area upto 5 Km radius around