

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 8595 OF 2013

1. Gulab s/o Parsha Rathod
age 50 years, occ. agri.
r/o Tembhi, Tq. Kinwat
Dist. Nanded.
2. Bhavsingh s/o Rupla Rathod,
age 60 years, occ. agril,
r/o Tembhi, Tq. Kinwat
Dist. Nanded.
3. Dhanu s/o Jayram Chavan
age 70 years, occ. agri
r/o Tembhi, Tq. Kinwat,
Dist. Nanded.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through the Secretary in the
Department of Revenue & Forest,
Mantralaya, Mumbai 32.
2. The Range Forest Officer,
Forest office at Mandvi,
Mandvi, Tq. Kinwat,
Dist. Nanded.
3. The Dy. Conservator of Forest,
having its office at Nanded.
4. The Dy. Superintendent of Land Records/
Taluka Inspector of Land Records,
Kinwat Tq. Kinwat
Dist. Nanded.
5. The Superintendent of Land Records
Nanded, Dist. Nanded.
6. The Forest Officer,
Forest office at Sarkhani,
Tq. Kinwat, Dist. Nanded.

.. RESPONDENTS

Mr. A.A. Mukhedkar, advocate for petitioners.
Mrs. S.A. Dhumal, AGP for the State.

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CORAM : R.M. BORDE &**V. K. JADHAV JJ.****DATE : 18th MARCH, 2015.****ORAL JUDGMENT : (PER R. M. BORDE, J.)**

1. Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.

3. Petitioners are praying for quashment of the communication dated 31.12.2011 issued by respondent no. 6 refusing permission to cut the trees standing in their agricultural lands. According to petitioners, lands gat nos. 23, 23/2 and 23/1 situate at village Tembhi, Tq. Kinwat, Dist. Nanded are of the ownership of petitioners and they are entitled to cut the trees standing on the land with prior permission of the officials of forest department. Application tendered by petitioners seeking permission for cutting the trees has been turned down by the concerned authority presumably on the ground that the boundaries of the lands belonging to petitioners which are adjacent to forest area are ambiguous and there is no clear cut demarcation of the boundaries.

4. Affidavit-in-reply has been presented on behalf of respondents wherein it has been contended that there are many changes in the area of forest and demarcation lines / marks fixed by the authorities in the year 2007 are not in existence. In view of these circumstances, it is desirable for

the parties i.e. petitioners as well as the officials of the forest department to have a joint measurement of the property. Petitioners were directed to get the lands re-measured and submit fresh proposal in accordance with rules. However, since petitioners have not taken any steps, the application tendered by petitioners does not deserve consideration.

5. In the facts and circumstances of the case, this petition can be disposed of by directing respondent no. 4 to conduct measurement of the lands belonging to petitioners in presence of the officials of forest department. Petitioners shall pay the fees required for measurement of lands and for fixation of boundaries within a period of six weeks from today. On deposit of fees, respondent no. 4 shall cause measurement of the lands belonging to petitioners prescribing boundaries of the lands and submit the report of measurement to respondent no. 2 within a period of three months from the date of deposit of measurement fees by petitioners. On receipt of the report, respondent no. 2 shall decide the application tendered by petitioners requesting for according permission to cut the trees standing in their lands, within a period of eight weeks from the date of receipt of the report. With the directions as above, writ petition stands disposed of. Rule made absolute accordingly. In the facts and circumstances of the case, there shall be no order as to costs.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE