

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6097 OF 2014

Maroti S/o Karnu Atram and another

-vs-

The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N. S. Khandewale, counsel for the petitioners.
Mr. A.S. Fulzele, AGP for the respondent Nos.1 to 3.
Mr. S.G. Jagtap, counsel for the respondent Nos.5.
Mr. Rohit Deo, ASGI for the respondent No.6.

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 06.08.2015.

By this petition, the petitioners challenge the orders-communications issued by the respondent No.6 for the construction of Lower Painganga Project as also the order granting forest clearance, dated 07/01/2009 and the subsequent orders passed thereafter.

The learned counsel for the respondents have raised a preliminary objection to the tenability of the writ petition. It is submitted that a Samiti, namely Lower Painganga Dharan Virodhi Sangharsh Samiti and an agriculturist had filed a writ petition bearing Writ Petition No.4025 of 2011 challenging the orders-communications in respect of the construction of Lower Painganga Project and this Court had, by an order dated 04/02/2013, transferred the writ petition to the National Green Tribunal (West Zone) Bench, Pune. It is stated that the National Green Tribunal (West Zone) Bench, Pune, by the judgment, dated 10/03/2014, decided the application filed by the Samiti and the agriculturist and granted liberty to the parties to challenge the forest clearance

certificate, if issued by the State Government. It is stated that, if the petitioners are aggrieved by the grant of forest clearance certificate, the petitioners can approach the National Green Tribunal (West Zone) Bench, Pune, as all the other aspects have been elaborately dealt with and decided by the National Green Tribunal (West Zone) Bench, Pune by the judgment, dated 10/03/2014.

Considering the nature of the petition and the issues involved therein, we uphold the preliminary objection raised on behalf of the respondents and decline to entertain the writ petition. The petitioners are free to file an appropriate application before the National Green Tribunal (West Zone) Bench, Pune under Section 14 of the National Green Tribunal Act, 2010.

With the aforesaid observations, the writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE