

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

WRIT PETITION NO. 8736 OF 2015

Navnath Rangnath Dhakne .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Nvnath Rangnath Dhakane Party in Person.
Shri A. M. Phule, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 14TH JANUARY, 2016.

PER COURT :

. The petitioner/party in person submits that, he had purchased the land in the year 1986 and he is cultivating the same. In Gut No. 147/1 one nala flows. He had planted some trees on the boundary side of the nala. The hight of the trees was about 20 to 30 feet. In the month of May i. e. on 15.05.2015, when the petitioner was not present in the field, the respondent No. 6 had put the said trees on fire. After 2/3 days, the petitioner got the knowledge that respondent No. 6 has done the said damage and caused loss to the petitioner and the State. On knowing this fact, the petitioner made representation on 17.05.2015 to the District Collector, Ahmednagar, so also to the Superintendent of Police, Ahmednagar, stating that some one

has put the said trees and shrubs on fire and caused loss to the petitioner, nation and environment. Thereafter, again representations have been made. The Sub Divisional Officer reported the said fact to the Collector. The respondent No. 4 directed the Superintendent of Police to take action against the responsible persons. The party in person states that, the respondent No. 4 had directed to conduct an inquiry. No concrete steps are taken. The representations given by the petitioner are not adhered to and no action is undertaken.

2. The learned Assistant Government Pleader states that, the Circle Officer has been directed to inquire into the application of the petitioner and after inquiry to submit his report. Accordingly panchanama is made by visiting the site i.e. Gut No. 147/1 of village Antarwali. The said report is recently received with his office. According to the learned A. G. P. these are the trees and the shrubs in the Government land on the bank of nala. Necessary action will be taken through the police and Forest Department on completion of inquiry.

3. We have considered the submissions.

4. Even, if, the trees are on the Government land and said trees are set on fire that is the loss caused to the Government. The government is required to look into the said aspect and take

action. It is stated that Circle Officer has been directed to conduct an inquiry and on receipt of the enquiry report, necessary action would be taken. The report is already received in the office of the Tahasildar. When the applications are received by the authorities, the authorities are duty bound to consider the said application and take action accordingly i. e. by conducting inquiry, finding the truth. As it is stated that the report is received and necessary further steps would be taken, we accept the said statement and dispose of the writ petition with direction to respondent Nos. 1 to 5 to take appropriate decision and action expeditiously.

5. The Writ petition is accordingly disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]