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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 1042 OF 2013***

Ramchandra Narayan Thakur and Ors.

...Petitioners

Vs.

The State of Maharashtra and Ors.

...Respondents

None for the Petitioners

Mr. V. B. Thadani, AGP for Respondent nos. 1 to 4

Mr. Rohit Sakhadeo for Respondent No.5

Mr. Neville Mukerji i/b. Ueritas Legal for Respondent Nos. 6 & 7

***CORAM : V. M. KANADE &
M.S. SONAK, JJ.***

DATE : JULY 18, 2016

P.C. :

1. By this petition, which is filed under Article 226 of the Constitution of India. The Petitioners are seeking an appropriate writ, order and direction, directing Respondent No.5 not to approve building plan of Respondent Nos. 6 and 7 on the land Survey No. 208, situated at Village Ovala Taluka and Dist. Thane. The Petitioners are also seeking a direction, directing Respondent Nos.6 and 7 to carry out plantation on the 34 guntas in Survey No. 208, Ovala Village.

2. Respondent No.5 has filed his affidavit in reply dated

19.11.2013. In the reply, he has stated that the show cause notice was issued to the Respondent Nos. 6 and 7 regarding alleged illegal cutting of trees in respect of the said area. It has further stated that the reply was given by the Respondents. However, it has further stated that Respondent No.5 was not satisfied with the reply and issued a fresh notice on 24.8.2012 calling upon Respondent Nos. 6 and 7 as to why action under section 21 (1) of the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975 should not be taken against them. He further stated that non-cognizable offence was also registered in Kasar Wadawali Police Station, Thane. The respondents have made a payment of Rs.10,95,000/- and have planted 365 trees.

3. We had also asked the Assistant Conservator of Forest to inspect the site and to file a further reply. Accordingly, the Assistant Conservator of Forest has filed a reply dated 7th November, 2014. He has stated that pursuant to the directions given by this Court on 1.9.2014, he has inspected the land in question and has carried out the survey. He has stated in his affidavit in reply that he found 365 trees have been planted by Respondent Nos. 6 and 7. He has further stated that these trees have survived and plantation of trees meets the

requirement of statute.

4. In view of the reply filed by the Assistant Conservator of Forests, Thane, and the Respondent No.5, we are satisfied that there is due compliance of the order passed by this Court on 1.9.2014, by Respondent Nos. 6 and 7. None appears on behalf of the Petitioners today. It appears that the Petitioners have also satisfied with the action taken by the Respondents. Hence, writ petition is disposed of.

M.S. SONAK, J.

V.M. KANADE, J.