

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12925 OF 2016

M/s. Precast India Infrastructure Pvt. Ltd.	..Petitioner
Versus	
Range Forest Officer, Pune and others	..Respondents

Mr. S. S. Patwardhan for the Petitioner.

Mr. S. H. Kankal, AGP for the Respondent Nos.1, 5, 6, & 7.

**CORAM : R. M. SAVANT, J.
DATE : 25th NOVEMBER, 2016**

PC.

1 The cause for invoking the writ jurisdiction of this Court is in view of the fact that the stay application filed by the Petitioner in the Second Appeal filed by him before the State Government i.e. the Hon'ble Minister for Revenue has not been taken up for consideration and neither the said Second Appeal is being taken up for consideration. The Learned AGP Mr. S. H. Kankal on instructions states that the Second Appeal itself would be decided within a period of three months from date. The proceedings have arisen in view of the order passed by the Range Forest Officer under Section 53 of the Maharashtra Land Revenue Code for taking possession of the portion of the land occupied by the Petitioner which is alleged to be an encroachment on forest land. The Petitioner had filed a First Appeal before the Additional Commissioner, Pune Division,

Pune which was dismissed. Against which the Petitioner has filed the instant Second Appeal. It is the case of the Petitioner that its factory is situated on the site in question since last about five years and if that order is executed the Petitioner would be greatly prejudiced.

2 In my view, therefore, having regard to the time frame stated by the Learned AGP which the Second Appeal would be decided, it would be just and proper to direct the Second Appellate Authority i.e. the Hon'ble Minister for Revenue, Government of Maharashtra to decide the stay application filed by the Petitioner latest by 31.01.2017. However, this would not preclude the Second Appellate Authority to dispose of the Appeal itself. This time frame for deciding the stay application is fixed in view of the fact that the Learned AGP states that the Hon'ble Minister would be busy with the winter session of the State Legislative Assembly from 05.12.2016 upto the 4th week of December 2016. Till the stay application is decided, the matter not to be precipitated with on the basis of the impugned orders dated 20.04.2016 and 03.10.2016. With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]