

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.480 OF 2014

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Mr.Yusuf Jeebhai Parmar	...	...Petitioner
v/s.		
State of Maharashtra & anr.		...Respondents

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Mr.Lokesh Zode i/b M/s.Khandeparkar & Associates for the
 Petitioner.
 Mr.Umashankar Upadhyay, AGP for the State.

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CORAM : S.C.DHARMADHIKARI &
A.A. SAYED, JJ.

DATED : 14 MARCH 2016

P.C.:

The Petitioner challenges the notice issued by the Forest Conservator, Sanjay Gandhi National Park, Borivali, Mumbai.

2. The Petitioner has been directed to remove an encroachment namely a structure of ground + one storied. That is pursuant to a direction given by this Court in Writ Petition No.305 of 1995.

3. The structure has since been demolished.

4. The Petitioner complains that there are similar such structures and though unauthorized and affected by this Court's order and directions have not been touched or demolished.

5. This Court passed the order after noticing that in a reserved forest and in an area around the same no construction of any nature is permissible. This Court relied upon the directions of the Hon'ble Supreme Court of India issued in several cases so as to protect the reserved forest and forest in general. The structure being admittedly forming a part of Sanjay Gandhi National Park, it cannot be tolerated and must be demolished. That the State and the Forest officials do not proceed against other unauthorized and illegal structures cannot be ground to complain, as there is no fundamental right in illegality. Right to equality is not a negative concept, but a positive one.

6. Having noticed that the Petitioner does not deserve sympathy or equity in this Court's discretionary jurisdiction, we proceed to dismiss the Petition.

(A.A. SAYED, J.)

(S.C.DHARMADHIKARI,J.)