

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 887/2015.

Mavji Bhimji Patel

-VERSUS-

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

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : AUGUST 10, 2016.

Heard Shri M.R. Johrapurkar, learned Counsel for the petitioner, Shri A.S. Fulzele, learned Addl. G.P. for respondent nos.1 to 4, Shri P. Abhyankar, learned Counsel for respondent nos. 12 and 13, for some time.

2. Question is – Whether if in the year 2006, petitioner has acquired ownership to entire plot on which licensed Saw Mill was functioning, fact of purchase of half of that plot in 1996 or then transfer of only one saw band out of two licensed saw bands, is

2

relevant ?

3. Shri Johrapurkar, learned Counsel for the petitioner submits that after 1996 till the passing of impugned order, petitioner was running the entire saw mill on one license. Because of cancellation of legal heir certificate, without extending necessary opportunity to the petitioner, the Chief Conservator of Forest on 03.05.2013 cancelled the license. He states that though a Special Civil Suit No. 720/2009 is pending for partition, most of the controversy is amicably resolved and in any case the saw mill does not form part of the property to be partitioned in that suit.

4. Shri H.R. Gadhia, learned Counsel who appears for respondent nos. 5 to 10 is stated to be not available. Similarly, Shri Fulzele, learned Addl. G.P. appearing for respondent nos. 1 to 4 submits that he will have to obtain necessary instructions in this respect from respondent no.3.

5. Shri Abhyankar, learned counsel for respondent nos. 12 and 13, who are plaintiffs in Special Civil Suit No.720/2009, accepts that the saw mill is not the subject matter of that suit. However, he

3

disputes statement made by Shri Johrapurkar, that most of the controversy in that suit is compromised.

6. We are not concerned with any other property and in present writ petition only saw mill license and the land on which saw mill exists falls for consideration.

7. We therefore, find that in this situation it will be appropriate for respondent no.3 to extend an opportunity of hearing to all parties and to take a suitable decision in accordance with law at the earliest. We direct the petitioner, respondent nos. 5 to 13 to appear before respondent no.3 on 29.08.2016. The said respondent shall take fresh decision after hearing them in accordance with law, within next six weeks.

8. With these directions, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
is a true and correct copy of original signed
judgment/order.

Uploaded by : R.G. Dhuriya. Uploaded on : 11.08.2016
Pvt. Sec.