

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10568 OF 2016

Hiranya Resorts,
through its Proprietor,
Shri Sunil Manohar Athalye ... Petitioner.

Versus

Deputy Conservator of
Forest, Aurangabad
and others. ... Respondents.

...

Mr.P.R.Katneshwarkar, advocate for the petitioner.
Mr.A.B.Girase, Government Pleader for Respondent
Nos.1,2 and 4.
Mr.S.B.Deshpande, Assistant Solicitor General for
Respondent No.5.

...

**CORAM : S.V.GANGAPURWALA AND
SMT.VIBHA KANKANWADI, JJ.**

Date : 02.11.2017.

PER COURT :

1. Mr.Deshpande, learned Assistant
Solicitor General, states that looking into the
nature of the dispute and the fact that

undisputedly the agreement in question is in respect of reserved forest and the provisions of the Forest (Conservation) Act, 1980 will also have to be considered. The matter is required to be dealt with by the Green Tribunal. The tripartite agreement entered into the parties is cancelled under the order of the Deputy Conservator of Forest on the ground that it violates the provisions of the Forest (Conservation) Act. Admittedly, the tripartite agreement with regard to the development is on a property which is a reserved forest and would be governed by the Forest (Conservation) Act.

2. In light of that, the matter is transferred to the Green Tribunal. The Registry shall take appropriate steps.

3. We hope and trust that considering the time lag, the Tribunal would decide the proceedings expeditiously.

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

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