

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 21 OF 2008

Sevanivrutta Vana Karmachari Sangh (SNVKS) and others.	.. Petitioners.
Versus	
Union of India and others.	.. Respondents

ALONG WITH

CIVIL APPLICATION NO.39 OF 2008

Disha Kendra	.. Applicant
<i>In the matter between</i>	
Sevanivrutta Vana Karmachari Sangh (SNVKS) and others.	.. Petitioners.
Versus	
Union of India and others.	.. Respondents

Mr.Sandeep Pathak i/b. S.B.Deshmukh for the petitioners.
Mr.R.V.Govilkar for respondent Nos.1 to 4.
Mrs.M.P.Thakur, AGP for the State.
Mr.Chetan Mali i/b. Mihir Desai for applicant in CA No.39/2008.

**CORAM : DR. MANJULA CHELLUR, CJ. &
N.M. JAMDAR, J.**

DATED : 7th JULY, 2017

P.C. :

1. We have heard learned counsel for the Petitioners and Respondents.

2. The issue involved in the present Public Interest Litigation is challenge to the Scheduled Tribes and Other Traditional Forests

Dwellers (Recognition of Forest Rights) Act of 2006. It is brought to our notice that before the Apex Court in Writ Petition No.000514 of 2006, one Bombay Natural History Society, Wild Life Protection Society and Conservation Action Trust have filed Petition challenging the very same enactment contending that rights of the Scheduled Tribes are affected by virtue of this enactment. Once the Apex Court decides on merits the validity of the said enactment or dismisses the said Petition, automatically the said decision would cover the issues raised in this Petition as well. There is no purpose in keeping this matter pending till disposal of the Writ Petition, since once the Writ Petition before the Apex Court is disposed of, automatically the fate of the present Public Interest Litigation is decided.

3. In the light of the above observations, we dispose of this Public Interest Litigation, reserving liberty to the Petitioner to revive the Petition in case of necessity, including dismissal of the Petition before the Apex Court for non-prosecution.

4. In view of the above, Civil Application No.39/2008 pending in this Public Interest Litigation does not survive and the same is, accordingly, disposed of.

(N.M. JAMDAR, J)

(CHIEF JUSTICE)