

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

WRIT PETITION NO.14051 OF 2016

Shri Chetan Giridhar Koli & Ors.	...Petitioners
vs.	
State of Maharashtra through its Principal Secretary & Ors.	...Respondents

Mr. Surin R. Usgaonkar a/w Mr. A. K. Goel for the Petitioners.
Mr. Manish Pabale, AGP for the Respondent Nos.1 to 3.

**CORAM : A.S.OKA AND
ANUJA PRABHUDESSAI, JJ.
DATE : 10/01/2017.**

P.C.:

. Heard learned counsel for the Petitioners and learned AGP for the State Government.

2. The Petitioners are claiming to be the purchasers of land bearing Gat No.300 admeasuring about 50 ares in village Kharivali, Taluka Wada, District Thane. According to the case of the Petitioners, on 22nd November 2011 they received notice from the Respondent No.2 under section 35(3) of Indian Forests Act 1927 read with section 3(3) of Maharashtra Private Forests (Acquisition) Act, 1975. The Petitioners are challenging a mutation entry being Mutation Entry No.428 by which an entry of "State of Maharashtra-Reserved Forest" was ordered to be made in revenue record.

3. According to the Petitioners, in Civil Appeal No.1102/2014 and other connected 18 matters before the Apex Court, the Petitioners applied for intervention and their intervention was allowed. The Apex Court decided the Petitions by a judgment and order dated 30th January 2014.

4. The submission of learned counsel appearing for the Petitioners is that as the Petitioners were intervenors before the Apex Court, the impugned notice in respect of the aforesaid land of the Petitioners was also set aside. He, therefore, submitted that the mutation entry at Exh.F will have to be set aside. He invited our attention to the impugned communications dated 6th July 2015 and 27th November 2015. He submitted that the view taken that the benefit of the orders of the Apex Court will be available only in cases of 19 Petitioners before the Apex Court is completely erroneous.

5. We have considered the submissions. We have perused the aforesaid judgment and order of the Apex Court. Paragraph 85 of the Judgment and order passed by the Apex Court which reads thus:

“Accordingly, for the reasons given, all these appeals are allowed and the impugned judgment and order of the Bombay High Court is set aside in all of them and the notices impugned in the writ petitions in the High Court are quashed.” (underline applied)

6. Thus, the Apex Court has not granted any relief in respect of the properties claimed by the Petitioners and that the relief is confined to the notices and properties subject matter of the writ petitions in this Court. The present Petitioners were not the Petitioners before this Court in the said group. They were only the intervenors before the Apex Court. Therefore, none of the reliefs prayed can be granted. Accordingly, the Petition is rejected. We make it clear that the claim of the Petitioners is expressly kept open to be agitated by the Petitioners in any appropriate proceedings, if any, filed by the Petitioners.

(ANUJA PRABHUDESSAI,J)

(A.S.OKA,J.)