

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

WRIT PETITION NO. 1814 OF 2016

(Charandas Sheshrao Sapkal & Ors. vs. Deputy Conservator of Forest & Anr.)

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 &
ROHIT B. DEO, JJ.
JULY 19, 2017.**

Heard Shri V. Umale, learned counsel for the petitioners and Shri A.S. Fulzele, learned Acting GP for the respondents.

2. The grievance is, though the Appellate Authority viz., Sub-Divisional Officer, acting under Section 3(2) read with Section 2(b) of the Maharashtra Felling of Trees (Regulation) Act, 1964, has granted permission to cut trees, lower authority viz. Respondent No. 2 has not obeyed it and is declining necessary clearance.

3. Acting GP points out that the said order of the Sub-Divisional Officer has been questioned before the Appellate Authority as per the provisions of the Maharashtra Land Revenue Code, 1966 and that Appeal is still pending.

4. It is claimed that the Appeal is pending with the Additional Collector at Wardha. The said authority is not party before this Court. However, Acting GP represents that

authority also.

5. We, therefore, find that the interest of justice can be met with by directing the Additional Collector, Wardha, to attempt to decide that Appeal on its own merit as per law at the earliest and in any case within a period of eight weeks from the date of communication of this order.

6. We direct the petitioner to appear before that Authority on 31.07.2017 and communicate this order. The period of eight weeks shall commence from that date.

7. Writ Petition is accordingly disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.