

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

Writ Petition No.2620 of 2002
[Devaji Sadashiv Shende v. The State of Maharashtra and others]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.A. Naik, Advocate for Petitioner.
Shri B.M. Lonare, Assistant Government Pleader for Respondent
No.1.

Coram : R.K. Deshpande & Manish Pitale, JJ.
Date : 22nd September, 2017

The challenge in this petition is to the order dated 7-6-2002 passed by the respondent No.2 and the letter dated 10-6-2002 issued by the respondent No.4. The permission granted to the petitioner for felling of trees in the land survey No.52/A-1, area 2.74 acres, was revoked.

Initially, this Court had passed an order on 5-8-2002 as under :

“ Notice before admission returnable within six weeks.
 In the meantime, ad-interim stay in terms of prayer
 clause (B).”

Prayer clause (B) of the petition is reproduced below :

“(B) During the pendency and final disposal of this petition, direct the respondent Nos.2 to 4 not to sale the said timber by way of public auction and further be pleased to direct Respondent Nos.2 to 4 to release the said timber in favour of the petitioner and to issue transit passes for transporting the same.”

In view of the aforesaid relief granted by this Court, the timber was released to the petitioner and virtually the petition has become infructuous. In fact, the matter was admitted on 14-1-2003 and the civil application for review of the order granting interim relief was rejected by this Court on 13-6-2003.

In view of above, the petition has become infructuous. The same is dismissed as such. We would, however, like to clarify that neither the question of allotment of surplus land to the petitioner by the order dated 1-5-1976 passed by the Surplus Land Determination Tribunal nor the question of ownership of the petitioner over the land in question is involved in this petition. Hence, all these questions are left open to be agitated in appropriate proceedings, if filed.

Rule stands discharged. No costs.

(Manish Pitale, J.)

(R.K. Deshpande, J.)

Lanjewar