

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO. 4506 OF 2017

Ramesh Nathuram Bagade. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Sagar Ganpat Talekar for the petitioner.
Mr.Prashant More, AGP for respondent Nos.1 to 7.

Sanjay
Kashinath
Nanoskar
Digitally signed
by Sanjay
Kashinath
Nanoskar
Date:
2018.09.10
12:44:23 +0530

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 4th September 2018.

P.C.:

The challenge in this petition is to the mutation entries bearing Nos.142 and 180. Mutation Entry No.142 is in respect the land bearing Survey No.59/2 of village- Usadi, Taluka- Murud, District- Raigad. Mutation Entry No.180 relates to Survey Nos.59/2 and 58/3 of the same village. By Mutation Entry No.142, it is provided that in the other rights column of land bearing 59/2, a remark be added that without permission of the Central Government, non-forest use is not permissible. By Mutation Entry No.180, a remark is ordered to be recorded in other rights column that the land is subject to the Maharashtra Private Forests (Acquisition) Act, 1975.

2. If the petitioner is aggrieved by the said mutation entries, he has remedies available under the Maharashtra Land Revenue Code, 1966

of two appeals and two revision applications. If the petitioner is disputing the status of the subject lands either as a forest or a private forest, he will have to file substantive proceeding in accordance with law. In the present petition, the challenge is confined only to the mutation entries. Therefore, we decline to entertain this petition under Article 226 of the Constitution of India. However, remedies of the petitioner are kept open. We make it clear that we have made no adjudication on the question whether the subject lands are forest or private forest lands.

3. Writ petition is disposed of according.

(M.S.SONAK, J.)

(A.S.OKA, J.)