

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

PUBLIC INTEREST LITIGATION NO.46 OF 2018

Gaurai Foundation
Through its President
Shri. Baswant Mallappa Patil

..Petitioner

Versus

State of Maharashtra and others

..Respondents

None for the Petitioner.

Mr. K. S. Thorat, AGP for Respondent - State.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 11th SEPTEMBER, 2019

P.C.

1] Though none appears to prosecute the Public Interest Litigation, we have perused the pleadings.

2] The Petitioner desires villages Chinchane and Kamewadi to be notified as Scheduled Areas under the Panchayats (Extension to the Scheduled Areas) Act, 1996. The reason for the Petitioner making the prayer is that population of members of the Scheduled Tribes in both villages is above 40%. The topology of both villages is hilly and the occupation of the residents of both villages is agriculture, forestry charcoal and collecting products from the forests. The response brings out that as per the Census-2011, out of 712 inhabitants in village

Chinchane 303 were tribals. The percentage would be 42.32%. For village Kamewadi, out of 1088 residents 821 were tribals. The percentage would be 75.46%.

3] As per the 5th Schedule to the Act, the conditions for an area to be declared a Scheduled Area would be : (i) Preponderant of tribal population (ii) Compactness and reasonable size of the area (iii) A viable administrative entity such as District, Block or Taluka, and (iv) Economic backwardness of area as compared to the neighboring areas.

4] Whilst 1st and 4th conditions would be satisfied by village Kamewadi, only 4th condition would be satisfied by village Chinchane; but what is relevant is that viable administrative entity would be the most important of the four facets. The two villages would not constitute the entire District, Block or Taluka. Thus, relief prayed for in the Public Interest Petition cannot be directed to be granted.

5] The PIL is dismissed.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE