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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 136 OF 2017**

Dipak Atmaram Shirodkar

.....Petitioner

V/s.

State of Maharashtra through Chief Secretary
and others

.....Respondents

Mr. N. R. Bubna for the petitioner

Ms. Nisha Mehra AGP for respondent Nos. 1 to 4

Mr. Madhukar Dalvi i/b Mr. Gandhar Raikar for respondent No. 6

**CORAM : PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.****DATE : APRIL 23, 2019.****P.C.**

The petitioner filed above captioned Public Interest Litigation pointing out that declaration under Section 4 of the Indian Forest Act, 1927 was published on 12/11/1953 concerning land bearing survey No. 37 i.e. Gat No. 62 village Yelwanjugai, Tal. Shahuwadi, district Kolhapur admeasuring 267.67 Hectors.

2 When the petition was filed in the year 2017, the said declaration did not result in a notification being issued under Section 20 of the Indian Forest Act. The grievance made was to a lease granted to respondent No. 6 to carry out mining activity and the same continuing. It is highlighted that the land being forest, the lease had to be determined.

3 Before the writ petition was filed, lease owner had approached this Court by way of writ petition No. 10778 of 2015 because the forest officers had restrained the lessee to undertake further mining activity. The lessee obtained an order in its favour which has been vacated and currently no mining activity is continuing.

4 On 29/09/2017, the necessary notification under Section 20 of the Indian Forest Act 1927 has been issued and thus the prayer made in the writ petition has been rendered infructuous.

5 The lessee has filed the writ petition No. 2754 of 2018

challenging the notification dated 29/09/2017.

6 Suffice it to state the issue whether the notification is illegal or not would be decided in the said writ petition.

7 We terminate the proceedings in the instant petition. Writ petition is disposed of as infructuous.

N. M. JAMDAR, J.

CHIEF JUSTICE