

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO. 31 of 2003
IN
WRIT PETITION NO.4391 OF 2002

Mrs.Veena A. Mirani

.. Petitioner

Versus

The State of Maharashtra & ors

.. Respondents

...

Mr. Rajiv Narula i/b M/s.Jhangiani Narula & Associates for the petitioner.

Ms.Nisha Mehra, AGP for respondent nos.1 to 5.

CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.

DATED : 7th NOVEMBER, 2019

P.C:-

1 Having perused the impugned order dated 19th August 2002, we note that notwithstanding having recognized lapses in the impugned order passed by the Sub-divisional Officer, the learned Single Judge has been coloured by the fact that the land being declared as 'forest land' was of vital public interest.

2 We note that the order challenged before the learned

Single Judge was in a second review and one of the grievance was that a Review of a Review was not maintainable. Even on merits, it was pleaded that without supplying the documents relied upon in the second Review Applications, the same was allowed.

3 These issues need to have been considered by the learned Single Judge. There is no concept of appropriation of private land in public interest, save and except as per the Land Acquisition laws.

4 We dispose of the Appeal setting aside the impugned order dated 19th August 2002.

5 We restore the Writ Petition No.4391 of 2002 for adjudication afresh by the learned Single Judge.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE