

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9288 OF 2018**

M/s. Precast India Infrastructure
Pvt. Ltd. .. Petitioner

Vs

Ramesh Maloji Aarge & Ors. .. Respondents
...

Mr. S.S. Patwardhan for the Petitioner.

Mr. M.M. Pabale, A.G.P. for Respondent Nos.2, 3, 4 and 7.

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

DATED : 13TH DECEMBER, 2019.

P.C:-

1. Heard learned counsel for the parties.
2. Prayer made in the Writ Petition is to quash the orders dated 25th October, 2017 and 17th November, 2017 passed by the Bench of National Green Tribunal at Pune in Application No.120 of 2017 filed in Application No.115 of 2015.
3. The order dated 25th October, 2017 notes that the common case of all the parties was that land comprised in Gat No.20/163 of Village Burkegaon was forest land. The said order directs

encroachments to be removed from the land comprised in the said Gat. It directs police protection be granted to the Forest Officials. The next order directs compliance to be made to the previous order. The Superintendent of Police, Rural, Pune has been directed to accord the necessary police protection.

4. The relief prayed for in the Writ Petition is misleading as is conceded by learned counsel for the Petitioner. The real issue is that the Petitioner claims to be the owner of land comprised in Gat No.83 and 84 of Village Mouje Shiraswadi, Taluka Haveli, District Pune. As per the Petitioner, a road abutting the northern boundary of the Petitioner's land forms the southern boundary of Village Burkegaon. The order dated 20th April, 2014, Exhibit-B passed by the Deputy Superintendent, Land Records, records that the issue of demarcation of the boundaries of the two villages needs to be carried out and reflected in the revenue records with clarity.

5. Thus, the issue is not to the legality of the two orders impugned. The orders correctly record that the land comprised in Gat No.20/163 of Village Burkegaon is forest land but, under the garb of removing encroachments from forest land, possession of persons of lands which are other than the forest land, and qua the Petitioner's land comprised in Gat No.83 and 84 of Village Mouje Shiraswadi cannot be disturbed.

6. Thus, we dispose of the Writ Petition directing the Collector, District Pune, to serve a notice upon the Principal Chief Secretary, Revenue & Forest Ministry as also on the Chief Conservator of Forests, State of Maharashtra and the Writ Petitioner informing the date when the Collector or the officer nominated by the Collector would visit the site and effect the demarcation of the boundaries of Gat Nos.83 and 84 of Village Mouje Shiraswadi, Taluka Haveli, District Pune as also the boundaries of the land comprised in Gat No.20/163 of Village Burkegaon. Thereafter, encroachments would be removed in terms of the impugned orders from the forest land comprised in Gat No.20/163 of Village Burkegaon.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)