

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13459 OF 2018

Intervet India Private Limited ... Petitioner
V/s.

Union of India & Ors. ... Respondents

Mr. Atul Damle, Senior Advocate a/w Aditi Rajput i/b
Abhay Nevagi & Associates for the Petitioner.

Mr. Parag Vyas a/w Pranil Sonawane for Respondent
No.1.

Mr. S.H. Kankal, AGP for Respondent Nos. 2 to 7.

**CORAM: K.K.TATED, &
SARANG V. KOTWAL JJ.**
DATE : 26th FEBRUARY 2020

P.C.

1 Heard learned Counsel for the parties.

2 The learned Senior counsel for the Petitioner submits that by this petition under Article 226 of the Constitution of India, the Petitioner is seeking direction against Respondent No.2 to take action as contemplated under Forests (Conservation) Rules 2006 in time bond manner in reference to the Petitioner's application dated 24.07.2018 for deforestation of the said land admeasuring 105 H 52 R, Gat No. 136, village - Manjiri(Kh.) Taluka : Haveli, Dist. Pune

3 The learned Senior counsel for the Petitioner submits that State Government filed their Affidavit-in-Reply dated 12.12.2019 affirmed by Vaibhav Sharad Bhalerao working as Assistant Conservator of Forest

Pune Forest Division, Pune stating that they already forwarded Petitioner's proposal dated 19.08.2019 to the Central Government for their approval. He relies on paragraph 3 of the said Affidavit-in-Reply, which reads thus:

" 3. I state and submit that, M/s. Biovet india Pvt Ltd. has filed a proposal on 19.08.2019 for diversion of the Survey No. 27 Gut No. 136 admeasuring 11.58 H. The said land on the basis of Memorandum of understanding with the Petitioner and Authority letter in favour of Biovet. The said proposal was forwarded by the Deputy Conservator of Forest, Pune to Chief Conservator of Forest (T), Pune for further needful action."

4 The learned Senior Counsel for the Petitioner submits that Union of India may be directed to decide their proposal as early as possible on its own merits.

5 Considering the submissions made by the learned Senior counsel for the Petitioner and the Affidavit-in-Reply filed by the State Government dated 12.12.2019, nothing survives in the present writ petition because the State Government has already forwarded the Petitioner's proposal to the Central Government for their approval as per procedure prescribed in the Forests Act. Union of India to decide the same as early as possible.

6 In view of this fact, the following order is passed:

a) Union of India to decide the proposal dated 31.10.2019 forwarded by the State Government in respect of the suit land as early as possible.

b) Writ Petition is disposed of with these directions.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)