

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.7738 OF 2022

MADHAV BABAN DIGHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Dixit Satyajeet S.
AGP for Respondents-State : Mr. A. R. Kale
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 29th July, 2022

PER COURT :

1. The petitioner has put forth prayer Clause 'A' as under :-

(A) That, by issuing writ of mandamus, Order or direction in the nature of mandamus, thereby directing the respondent authorities to allow the application dated 02/02/2016 filed by the petitioner before the Respondent No.3- Tahsildar [Annexed at EXHIBIT -"E"], thereby allowing the petitioner to remove the 7 lemon trees and 2 throne trees standing on south boundary of Gut Nos.300/1 and 300/2 situated at village Arampur, Tq. Sangamner, Dist. Ahmednagar.

2. Having considered the submissions of the learned Advocate for the petitioner and the learned AGP, it is apparent that the revenue

authorities have permitted to construct a new road, in 'Rasta Case No.12 of 2014' under Section 143 of the Maharashtra Land Revenue Code. The said path is an approach road to the agricultural field of the petitioner. We are not informed as to whether there is any further litigation on this issue.

3. Nevertheless, the petitioner will have to approach the Tree Officer considering Sections 3 and 3-A of the Felling of Trees (Regulation) Act, 1964. It is also evident from the said provisions that the Tree Officer can direct the person who is felling the trees to plant an equal or more number of trees at the same place or in the vicinity.

4. The learned Advocate for the petitioner submits on instructions from the petitioner present in this Court that the petitioner would approach the appropriate authority under Section 3 of the Felling of Trees (Regulation) Act, 1964. He will volunteer to plant 21 Neem trees, as permission to fell seven Neem trees has been sought and 6 Babul trees, as permission to fell two Babul trees is being sought. He also assures that he would maintain these 27 trees for two years and would ensure that the trees which are being planted would be of the age of at least one year. We record that such plantation will be

performed in the presence of the tree officer.

5. By recording the above statement, this petition is disposed of with liberty to the petitioner to approach the Tree Officer under Section 3 of the Felling of Trees (Regulation) Act, 1964.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.