

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

67 WRIT PETITION NO.8940 OF 2022

TANAJI KALU GAWALI AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS

...

AND

...

68 WRIT PETITION NO.8941 OF 2022

MANSARAM DONGAR SONWANE AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS

...

AND

...

70 WRIT PETITION NO.8943 OF 2022

RAMLAL SONYA BORSE AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

...

71 WRIT PETITION NO.8944 OF 2022

MILABAI KALU MALUSARE AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

...

82 WRIT PETITION NO.8970 OF 2022

VANSHYA PANCHYA BHARUDE AND ANOTHER
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

...

84 WRIT PETITION NO.8972 OF 2022

BHATU NARAYAN MALUSARE AND ANOTHER
VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

...

89 WRIT PETITION NO.8979 OF 2022

BAPU SONYA AHIRE AND ANOTHER
VERSUS

THE UNION OF INDIA AND OTHERS

...

AND

...

91 WRIT PETITION NO.8981 OF 2022

VANSHA RUPCHAND DESAI AND ANOTHER
VERSUS

THE UNION OF INDIA AND OTHERS

...

Mr. Ravindra M. Deshmukh, Advocate for
Petitioners.

Mr. A. N. Patale, Mr. B. M. Dhanure, Mr. R. R.
Bangar, Mr. S. W. Munde, Ms. Nikita Gore, Mr. D.
B. Gaikwad, Standing Counsel for Respondent No.1
in respective Petitions.

Mr. S. K. Tambe, Mr. S. G. Karlekar, Mr. P. S.
Patil, Mr. S. G. Sangle, AGPs for Respondent /
State in respective Petitions.

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 06th SEPTEMBER, 2022

PER COURT:

1. In all these matters, the Petitioners have already approached the Sub-Divisional Officer's Committee at the sub division level. They have to assail the order of this Committee before the District Level Committee of which the District Collector is the Chair Person. The concerned Committee in these matters would be at District Dhule.

2. We have perused the impugned orders dated 04.07.2011. There is no explanation by the Petitioners, which could be termed as an acceptable explanation in the light of the law laid down by the Hon'ble Supreme Court in **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others, (2013) 12 SCC 649**. The delay of 11 years in filing these Petitions, is unexplained. Nevertheless, having perused the impugned orders dated 04.07.2011, we find that there are certain specific conclusions on the basis of the record against these Petitioner. Even before the Court they have nothing to show that their possession over the writ land is prior to 2005.

3. In the light of the above and on account of the delay of 11 years, that these Petitions are disposed off.

4. Nevertheless, if the Petitioners have any remedy as may be available under the Indian Forest Act, 1927 or under the Scheduled Tribes and Other Traditional Forest Land Holders (Sanction to the Forest Rights) Act, 2006 and the Scheduled Tribes and Other Traditional Forest Land Holders (Sanction to the Forest Rights) Rules, 2008 the Petitioners may avail of such remedy.

5. Needless to state, in the event, if all these Petitioners raise any grievance under any of the provisions as mentioned above, the Authority considering the said grievances would not be influenced by any observations made by us in this order and would consider the same on their own merits.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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