

(1)

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

45 WRIT PETITION NO.9617 OF 2023

**BABURAO LAXMAN SHINDE AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

....

Mr A. R. Kawade, Advocate for Petitioners;
Mr S. G. Karlekar, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 8th August, 2023

PER COURT:

1. The Petitioners have approached this Court by filing this petition on 04/07/2023 for challenging the notice dated 23/12/2022. According to the Petitioners, they have tendered a written reply on the spot, on 27/12/2022, copy of which is not preserved. Further orders have not been passed by Respondent No.2.

2. The learned A.G.P. vehemently opposes, contending that the notice indicates that these Petitioners have entered the reserve zone of the forest and have resorted to cutting down the

(2)

trees and indulging in cultivation inside the reserve zone. They cannot be protected insofar as their entering into the reserve zone.

3. The learned Advocate for the Petitioners submits that, the Petitioners have not entered the reserve zone and their agricultural activities may be protected during the pendency of this petition, till the limitation of the reserve zone. The hearing has taken place before Respondent No.3, as is set out in the impugned notice and Respondent No.3 will have to pass orders.

4. In view of the above, **this petition is disposed off**, with the following directions :-

(a) Respondent No.3 shall consider the reply of these Petitioners, which they claim to have tendered to his office in the hearing scheduled on 27/07/2022.

(b) If no orders have been passed till today, Respondent No.3 shall pass an order, on or before 31/08/2023.

(c) Until Respondent No.3 passes an order, the agricultural activities of the Petitioners, save and except, chopping down the trees and carrying logs of wood out of the forest, shall

(3)

be protected only upto the borders/limits of the reserve zone. No such activities, if found within reserve zone, shall be protected.

(d) If Respondent No.3 passes an order, the Petitioners are at liberty to avail of remedies, as may be permissible in law.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk