

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3994 OF 2023
IN
WRIT PETITION NO. 5586 OF 2021**

Rajmachi Rural Aid and Development Programme
(Trust registered under the Bombay Public Trust Act, 1950) Applicant
(Org. Applicant)

Versus

The State of Maharashtra and Ors. Respondents

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Mr.Vedchetan Patil, Advocate for Petitioner.
Ms.K.N. Solunke, AGP for Respondent Nos.1 to 6 – State.

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**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 28th APRIL 2023

P.C. :

1 This Interim Application is taken out in a disposed
Petition to direct Respondent No.4 to pass a supplementary order to
his order dated 15th February 2023 in a time bound manner in strict
compliance with the order dated 11th January 2023 passed by this
Court in Interim Application No.109 of 2023. Mr.Vedchetan Patil states
that if Respondent No.4 passes a fresh order instead of a
supplementary order also that would suffice.

2 On 11th January 2023, this Court directed Respondent
No.4 to pass certain directions to be complied with by Respondent
No.4 while deciding Applicant's case. The said order reads as under:

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"1 This interim application has been taken out by petitioner in a disposed petition, in view of non compliance by respondent no.4 of the directions given by the court in the order dated 29th April 2022 passed by this court. The operative part of the said order reads as under:

- "(i) Writ Petition is partly allowed.*
- (ii) The Collector Pune is directed to decide following issues under Section 6 of Maharashtra Private Forest Act as to:-*
 - (a) Whether there exist of forest on the land in question and*
 - (b) Whether land in question has vested in the Government on the appointed day.*
- (iii) Both the parties are directed to appear before the Collector on 18th May 2022 at 11 a.m.*
- (iv) Both the parties are at liberty to file pleading and to file documents on the record.*
- (v) The Collector is directed to decide the issue within the period of six months."*

2 When the matter was called out in the pre-lunch session, Mr. Gokhale requested the matter be taken up post lunch so that he can take instructions as to when respondent no.4 will give the hearing. Post lunch, Mr Gokhale informed the court that his instructions are the collector has assured that the hearing to petitioner as directed in the order dated 29th April 2022, will be given at 11:00 a.m. on 24th January 2023 and that the collector would pass a reasoned order not later than 15th February 2023 and communicate the same to petitioner.

3 Therefore, we dispose the application with following directions :

- (a) Respondent no.4 shall without fail grant a personal hearing to petitioner at 11:00 a.m. on 24th January 2023.*
- (b) Respondent no.4 shall not make petitioner wait and shall not adjourn the hearing on any ground whatsoever.*
- (c) Should petitioner wish to file written submissions to record what transpired during the personal hearing, petitioner shall file written submissions on or before 31st January 2023.*
- (d) Should respondent no.4 or the representative of the department wish to rely on any judgment, order, rules, reports or notifications, a readable copy thereof, properly indexed and paginated shall be provided to petitioner on or before 19th January 2023 so that*

petitioner during the personal hearing will be able to deal with / distinguish those documents.

(e) Respondent no.4 shall pass a reasoned order dealing with every submission of petitioner and the said order shall be passed and communicated to petitioner on or before 15th February 2023.

4 Interim Application disposed.

5 We clarify that we have not made any observations on petitioner's case."

3 In the present Application a grievance is raised that Respondent No.4 has passed an order dated 15th February 2023 without complying with the specific directions given by this Court , and in particular paragraph 3(e) of order dated 11th January 2023. The learned AGP, in fairness, as an officer of the Court, having considered impugned order agrees with Applicant. Mr.Vedchetan Patil has given points in tabular form which have been raised and which have not been considered. The same is taken on record and marked "X", for identification.

4 In the circumstances, to avoid confusion/overlapping, we quash and set aside the order dated 15th February 2023 passed by Respondent No.4 and direct Respondent No.4 to pass a fresh order within six weeks strictly complying with the directions given in paragraph 3 of this court's order dated 11th January 2023.

5 Application disposed.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)