

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.9 OF 2022

Shri Hiranman Mesu Sansare
V/S
The Dy. District Collector
Land Acquisition RHP & Ors.

....Petitioner

....Respondents

...

Mr. Santosh G. Shirsat for the Petitioner.
Mr. P.P. Kakade, GP a/w Mr. B.V. Samant, AGP for Respondent No.1-State.
Mr. Rohit Sakhadeo for Respondent No.8-ZP.
Mr. B.D. Joshi for Respondent No.10.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**
DATE : 24 APRIL 2023.

P.C.:

1 The Petitioner is challenging the order passed by the Deputy Collector, Land Acquisition cum Nodal Forest Law Officer, thereby sanctioning the road from 80 R of forest land. There are rival contentions. It appears that the Gram Panchayat has sought for the road.

2 The dispute appears to be amongst the political parties and political persons. It appears that there are two groups.

3 The contention of the Petitioner is that the provisions of the Forest Act could not have been applied. There was earlier an existence of road which was damaged.

4 The contention of the Respondents appears to be there was no alternate road available and as such the present road is necessary.

5 It would be appropriate if a higher officer considers the dispute amongst the parties and takes decision accordingly. It will not be possible for this Court to come to the conclusion in a writ jurisdiction about the location of the property i.e. whether it comes under the forest land or otherwise and whether it is a scheduled area for Scheduled Tribes.

6 The Petitioner may approach the Collector, Nashik. The Collector, Nashik may consider the case put forth by the Petitioners and the Respondents and may issue necessary directions after considering the case put forth by them.

7 With these observations, the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

Digitally
signed by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2023.04.25
16:03:48
+0530