

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 109 OF 2023
IN
WRIT PETITION NO. 5586 OF 2021

Rajmachi Rural Aid And Development Program ...Applicant

Versus

The State Of Maharashtra Through
The Secretary, Revenue And Forest Dept.and Ors ...Respondents

Mr. Vedchetan Patil a/w Ms Sunayana Kashil for applicant.
Mr. V. S. Gokhale, 'B' Panel Counsel for Respondent Nos.1 to 6.

CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ
DATED : 11th JANUARY 2023

PC. :

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.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)