



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO.26 OF 2022

Bhaulal S/o Dhanlal Parteti and ors.

-VS-

State of Maharashtra, Thr. Chief Secretary, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri K. C. Deogade, Advocate for petitioners.

Ms N. P. Mehta, Additional Government Pleader for respondent Nos.1 to 4.

Shri V. R. Borkar, Advocate for respondent No.5.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : December 06, 2023

P. C.

1. Heard.

2. The prayer in this public interest litigation is in relation to seeking a declaration that the allotment made by the respondent No.2-Collector in relation to land admeasuring 2 H at Mouza Lohara, Tahsil Gondia T. S. No.10, Gut No.145 out of total land admeasuring 32 H vide allotment order dated 26/06/2019 and report dated 14/08/2019 is illegal.

3. A further prayer is made for issuance of direction to respondent No.2-Collector to re-consider the aforesaid decision and to allot cultivable land to respondent No.5.

4. The status of respondent No.5 and that of the petitioners is the same that is an agriculturist and the entitlement of respondent No.5 an ex-serviceman for allotment of piece of agricultural land from the

revenue/State Government is not an issue under challenge or in dispute. The challenge rests on the issue that the land which is allotted as above has grown up trees and the said allotment has prompted the respondent No.5 to move before the Forest and Revenue Authorities for grant of permission to cut the grown up trees.

5. The grant of permission for cutting the grown up trees is an issue which purely falls within the ambit and purview of the Revenue and Forest officials and the Revenue and Forest officials can legally deal with such permission in accordance with law.

6. However, merely because the Forest and Revenue officials may direct cutting of grown up trees would not justify the claim of the petitioners of declaring the allotment as illegal.

7. There is one more facet to the matter. The petitioners though have come before this Court for declaration of allotment of land as illegal, however they have not made any suggestion to the revenue Authority or this Court to allot any other/alternate revenue land in favour of respondent No.5 to which he is lawfully entitled. To that extent we feel that the petition lacks bonafide. The fact remains that almost after the period of more than ten years of persuasion, the land is allotted to him.

8. In view of the aforesaid backdrop, the allotment of land in favour of respondent No.5 is held to be legal. There is no reason for this Court to cause interference in this litigation. However, it is open for the petitioners to approach the Collector by making a representation

and giving details of alternate land which according to them is cultivable and can be allotted to respondent No.5. If such representation is made within a period of six weeks from today, the Collector shall deal with the same by causing enquiry and giving an opportunity of hearing to the concerned parties within a period of eight weeks thereafter.

9. The Public Interest Litigation is disposed of.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)