



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

WRIT PETITION NO.8076/2023

Sanjaysingh Giridharisingh Sengar

...Versus...

The Collector, Nagpur Civil Lines, Nagpur and others

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

Court's or Judge's orders

Mr. R.A. Ghosh, Advocate for petitioner
Mr. U.R. Phasate, AGP for respondent nos.1 to 5, 8 and 9

CORAM : AVINASH G. GHAROTE, J.

DATE : 19/12/2023

1. Heard Mr. Ghosh, learned counsel for the petitioner. The petition questions the order dated 10/5/2018, passed by the respondent no.2 in his capacity as a Forest Settlement Officer, whereby the land of Survey nos.51/2, 52/2, 53/2, 54 and 72 all situated at Mouza Indora Tah. Mouda declaring the aforesaid land as a reserved forest, under the provisions of the Indian Forest Act, 1927 (pg.33) and the order in appeal under Section 17 of the Indian Forest Act dated 17/04/2023 (pg.28), whereby the appeal has been dismissed.

2. Mr. Ghosh, learned counsel for the petitioner submits that the ancestors of the petitioner were having substantial lands more than 200 acres, and though major

portion of the said lands had been acquired, the aforesaid lands still remained with the ownership of the petitioner, who was in cultivating possession of the same and therefore, the impugned orders are illegal as they do not consider this position.

3. A perusal of the order dated 10/05/2018, passed by the Forest Settlement Officer, indicates that all these lands are recorded in the name of the Forest Department, Ramtek since 1994 which entries find place in the 7/12 extract. This would clearly indicate that the ownership of the lands does not vest in the petitioner but in the forest department.

4. Though a claim is made that these lands are owned by the petitioner and his ancestors, there is nothing placed on record to indicate that this was so at any point of time except for Bandobast Khasra, which also does not indicate identity of the survey numbers so as to co-relate the same with the survey numbers in question. There is thus absence of any material to substantiate the plea, which is being raised, considering which, I do not see any reason to interfere in the impugned orders. The writ petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)