

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6204 OF 2021

Shriram Wadar Mahila Vikas
Va Khan Kamgar Kalyankari
Sanstha Mydt. Thr. President ..Petitioner
Vs.

State of Maharashtra,
through Revenue & Forest Dept. & Ors. ..Respondents

WITH
WRIT PETITION NO.6209 OF 2021

Sadguru Wadar Khan Kamgar
Va Mahila Vikas Kalyankari
Sanstha Mydt. Thr. President ..Petitioner
Vs.

State of Maharashtra,
through Revenue & Forest Dept. & Ors. ..Respondents

WITH
WRIT PETITION NO.6210 OF 2021

United Vadar Samaj Sanstha ..Petitioner
Vs.

State of Maharashtra & Ors. ..Respondents

WITH
WRIT PETITION NO.6207 OF 2021

Megharani Wadar Khan
Kamgar Kalyankari Sanstha ..Petitioner
Vs.

State of Maharashtra & Ors. ..Respondents

Mr. Manoj A. Patil for the Petitioners.

Ms. Kavita N. Solunke, AGP for Respondent Nos.1 to 6.

Mr. Parag Vyas, Senior Advocate a/w. Mr. Vinit Jain for Respondent No.8.

**CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 15th JANUARY 2024.

P.C.:

1. **Rule.** Rule made returnable forthwith. Heard learned counsel for the parties.

2. At the outset, the learned counsel for the Petitioners submits that the Petitioners do not desire to further prosecute the challenge to the communications dated 3rd February 2021 and 4th February 2021 as issued by the Additional Collector and Tehasildar notifying the transfer of the subject lands from the Revenue Department to the Forest Department. He, however, submits that the Petitioners are pressing prayer clause (c-1) in all the writ petitions. By the said prayer, the Petitioners pray that the Forest Department of the State Government be directed to take appropriate steps and submit a proposal to the Central Government with a request to de-reserve forest land to the extent of 20 Hectres of Gat No.630/1A situated at Mouje Kasarwadi, Taluka Hatkanangale, District Kolhapur. The other Petitioners seek a similar direction to be issued to the Respondents.

3. It is submitted by the learned counsel for the Petitioners that

various societies whose members belong to the Wadar community have been undertaking mining operations in the subject lands. For that reason, temporary permit for undertaking the work of stone crushing has been issued to the societies, this being their traditional business and source of livelihood. Steps were taken to ensure that these activities are not discontinued. On 2nd February 2021, the Collector of Kolhapur has forwarded a communication to the Additional Chief Secretary, Revenue and Forest Department of the State Government recommending the grant of these lands to the members of the said community for undertaking extraction. Since, the aforesaid lands have now been notified under the Forest (Conservation) 1980, it is clear that unless the proposal is considered by the Central Government under Section 2 of the Act of 1980, further activities cannot be undertaken.

4. In this regard, our attention is invited to paragraph 12 of the Affidavit filed on behalf of the Respondent No.8. It has been stated therein that till date, such proposal under Section 2 of the Act of 1980 for diversion of the forest land for non-forest purpose has not been received from the State Government. It is in this backdrop that the Petitioners seek relief in terms of prayer clause c-1.

5. Having considered the documents on record, we find that presently as per communication dated 2nd February 2021, the Revenue

and Forest Department is seized of the matter. The interest of justice would be served by issuing the following directions:-

- (i) The Revenue and Forest Department of the State Government shall consider the communication dated 2nd February 2021 issued by the Collector and take a decision as to whether the proposal for necessary permission of the Central Government can be forwarded to it. This decision be taken within a period of 8 weeks of receiving copy of this order.
- (ii) If the Revenue and Forest Department is of the view that such proposal can be forwarded to the Ministry of Environment, Forest and Climate Change, such further steps shall be taken by it in accordance with law thereafter.
- (iii) If such proposal is received by the Ministry of Environment, Forest and Climate Change from the State Government, it shall consider the same in accordance with law, in the light of Section 2 of the Act of 1980 and take further steps thereof. Such steps be taken expeditiously.

6. Rule is disposed of in all the writ petitions with the aforesaid directions with no order as to costs.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)