

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO.9 OF 2024**

Dipak Atmaram Shirodkar

..Petitioner

Versus

The State Of Maharashtra & Ors.

...Respondents

Mr. Narayan Bubna, for the Petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w O. A. Chandurkar, Addl. Govt. Pleader, N. M. Mehra, AGP & G. R. Raghuwanshi, AGP for Respondent Nos.1, 2 & 4.

Mr. Kalpesh Patil a/w Vivek Rane, for the Respondent No.5.

Mr. S. Navakishore Reddy, Deputy Conservator of Forest, Sawantwadi Division, Sindhudurg District – present in Court.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &  
AMIT BORKAR, J.**

**DATE : 1<sup>st</sup> OCTOBER, 2024**

**P C.**

1. Let the rejoinder affidavit to the affidavit-in-reply filed by the State Authorities be filed within two weeks.

2. The Respondent No.5 and newly impleaded Respondent No.6 shall also file an affidavit enclosing therewith the necessary details and particulars of all their members and respective units set up by them. The affidavit shall also contain the details of the location of units set up by the members of Respondent Nos.5 and 6 from the boundary of the reserved forest. They shall also disclose in their affidavits to be filed under this order, the Memorandum of

Association and Articles of Association, as also the bye-laws and rules of their respective Associations.

3. We have perused the affidavit-in-reply filed by the State authorities, however, we are not satisfied as the same does not invoke confidence, even for the namesake, by the measures which are said to have been taken by the forest authorities to implement the prohibition on operation of wood-based industries in terms of law. Exh. R-3, which has been enclosed along with the affidavit-in-reply mentions certain action taken in this regard, according to which, since the year 2019 only 18 actions have been taken, which having regard to the area in respect of which illegal activity relating to operation of wood-based industries has been alleged, appear to be highly inadequate.

4. In our order passed on 19.08.2024, we had extracted the averments made in the affidavit filed by the Respondent No.4, which disclosed that five mobile squad teams were ordered to inspect Kath Manufacturing Units in Ratnagiri and Sindhudurg districts to check their status and on inspection, it was found that all 102 units did not operate and they were not processing Kath at the time of inspection.

5. In the facts of the case, we feel it appropriate to direct the authorities of the Forest Department to conduct a thorough and rapid survey of all 102 units, which shall be conducted by a team of

Forest Officers/Employees to be accompanied by an Advocate Commissioner. For the said purpose, we appoint Advocate Pravin Surve, Ratnagiri who shall accompany the survey team while survey is conducted of all 102 units. The Advocate Commissioner being appointed by the Court shall also be a part of the team which shall prepare the survey report in respect of each unit. The Advocate Commissioner being appointed under this order shall be paid his charges, which is quantified to be Rs.1500/- per day. He shall also be provided free fooding, lodging and transport by the Forest Department in addition to his daily fee of Rs.1500/- per day by the State authorities. The survey shall be conducted within two months from today.

6. We direct that Divisional Forest Officer, Chiplun, Ratnagiri and Deputy Conservator of Forest, Sindhudurg shall personally ensure, in co-ordination with each other, the compliance with this order and submit the report based on the said survey before the Court by the next date of listing.

7. We further direct that during the survey to be conducted by the survey team under this order, it shall thoroughly be examined whether the unit is or has been indulgent in any prohibitory activity relating to wood-based industry. The purpose of survey is to ascertain, whether any of these units are still engaged in prohibited activity.

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8. Learned AGP is requested to communicate this order to all concerned.

9. Stand over to **10<sup>th</sup> December, 2024.** To be placed high on board.

**[AMIT BORKAR, J.]**

**[CHIEF JUSTICE]**