



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

WRIT PETITION NO.2751 OF 2022

Manoj S/o Bholaji Yadav, Sitabuldi, Nagpur

-vs-

State of Maharashtra, Thr. Chief Secretary, Dept. of Environment & Climate Change, Mantralaya,
Mumbai and ors.

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

Court's or Judge's Orders.

Shri R. R. Gour, Advocate for petitioner.

Shri H. D. Marathe, Assistant Government Pleader for respondent No.1.

Shri S. M. Puranik, Advocate for respondent Nos.2 and 3.

Shri Kushal Jain, Advocate for respondent No.5.

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

DATE : January 16, 2024

1. Heard.

2. The respondent No.4 has mortgaged the property in question to respondent No.6-Financial Institution and in relation to the property already proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 appear to have been initiated.

3. The respondent No.4 has chosen not to appear in the aforesaid background.

4. Shri Kushal Jain, learned counsel for respondent No.6 submits that they do not have any plan to seek permission from the respondents-Authorities and have no intention to cut the old tree. However it is submitted that the property in question can be disposed of by them under the Act of 2002.

5. In the backdrop of aforesaid development, we deem it appropriate to observe that the prayer made by the respondent No.4 for cutting the tree is not acted upon in view of action taken by respondent No.6 against the respondent No.4 in relation to the property over which an heritage pipal tree stands.

6. With above observations, the writ petition stands disposed of. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)