

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 706 OF 2024

Jabs International Pvt. Ltd.	...Petitioner
Versus	
State Of Maharashtra, Through The Chief Secretary	...Respondent

Mr. Atul Rajadhyaksha, Senior Advocate a/w Nishant Tripathi a/w Pranav Vaidya i/b M Tripathi & Co., for the Petitioner.
Mr. A.I. Patel, Addl. GP a/w Mr. K.S. Thorat (B' Panel) counsel for State.
Mr. Prashant Chawant, Senior Advocate Poonam Sheth, for respondent Nos. 2 and 3 for MIDC.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 20 JANUARY 2025

P.C.:

1. We are not at all satisfied with the affidavit filed by Urmila Jagannath Patil, Sub Divisional Officer, District. Thane dated 18 October 2024 and more particularly, considering the averments as made in paragraph Nos. 4 and 5 wherein it is stated that the land which is subject matter of the present petition and being claimed as industrial area by the petitioner, also supported by the MIDC, was labeled as private forest when Mutation Entry No. 801 was made, as stated by her in paragraph 6 of the affidavit. However, without any clarification recording the lawful events, if any in that regard it is stated that after Maharashtra Private Forest (Acquisition) Act, 1975 was brought into force, a further mutation entry no. 815 was recorded and the said land was subjected to be a Maharashtra Private Forest. It is difficult to ascertain such statements as

made by the deponent in the affidavit and more particularly in the last five lines of paragraph 6 of the affidavit. Further, we are also not in a position to appreciate that what the deponent intends to say in paragraph 7 when she made the following averments:

*“7. I say that, thereafter in the year, 2005 pursuant to directions received from the Forest Department, name of 'Maharashtra Government Private Forest' was recorded by Mutation Entry No. 816 in kabjedar column and the name of the MIDC in the other right column. Hereto annexed and marked as **Exhibit'3'** is copy of Mutation Entry No. 816. The effect of the said Mutation Entry have been given to all plots of land about 15 properties. Hereto annexed and marked as **Exhibit '4'** collectively are copies of the 7/12 extracts. I crave leave to refer and rely upon the records and proceedings with respect to said Properties as and when produced.”*

2. We are sure that Ms. Urmila Jagannath Patil, could have obtained appropriate legal advise before she could place on record such vague affidavit. We also believe that Ms. Urmila Patil certainly would not have any intention to mislead this Court, which we hope we are not required to verify at the further hearing.

3. We accordingly, adjourn the proceedings to **27 January 2025 “High on Board”**. However, directing Urmila Patil to explain Para 6 and 7 elaborately.

4. We would also wonder when MIDC has taken a clear stand that the land was subject matter of acquisition and ultimately vested in the MIDC and thereafter it was allotted to the petitioner in the manner known to law, as to in what manner the plot which is surrounded by all industrial units and also being

used for industrial purposes, could be labeled as private forest, unless procedure qua the very plot in question was followed and thereafter the plot was acquired under the provisions of **Maharashtra Private Forest (Acquisition) Act, 1975** to be categorized as a private forest. All these events are required to be explained on sufficient material as acceptable in law.

5. We may observe that Government Officer on affidavit that too in a writ petition, has to take a clear stand and it cannot in any manner be vague and ambiguous.

6. For the purpose of clarity, we again reiterate that the contention of petitioner is in respect of plot No. 350/A stated to be original survey No. 134.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]