

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

WRIT PETITION NO.706 OF 2024

M/s. JABS International Pvt. Ltd.

...Petitioner

Versus

State of Maharashtra, Through
the Chief Secretary & Ors.

...Respondents

Mr. Atul Rajadhyaksha a/w Mr. Nishant Tripathi, Mr. Pranav Vaidya i/b I.B.M. Tripathi & Co. for Petitioner.

Mr. A.I. Patel, Addl. G.P. a/w Ms. T.J. Kapre, A.G.P. for Respondent-State.

Mr. Prashant Chavan aa/w Ms. Poonam Sheth i/b Navdeep Vora & Associates for Respondent Nos.2 and 3-M.I.D.C.

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

DATE : 13 FEBRUARY 2025

P.C.:

1. We are quite surprised. Respondent No.1-State, intends to place on record an order an order purported to have been by passed by Sub-Divisional Officer, Thane Division, dated 12 February 2025, which is stated to be an order passed in pursuance of our detailed order dated 27 January 2025, and required to be passed taking into consideration the peculiar facts of the case and also observations of this Court as made in the case of **Goma Engineering Pvt. Ltd. Vs. State of Maharashtra and Ors.** (Writ Petition No.2752 of 2020) confirming that the MIDC's plot is a forest.

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2. Thus, the application of the M.I.D.C. for deletion of the revenue remark of the land being described as forest when the land in question had stood vested with the M.I.D.C. and formed integral part of the industrial estate of the M.I.D.C. has been rejected, on the ground that the land would treated as a forest.

3. In the aforesaid circumstances, the petitioner as also the M.I.D.C. are before the Court to contend that both these parties would intend to challenge the orders passed by the Sub-Divisional Officer. Mr. Rajadhyaksha, learned counsel for the petitioner has made submissions that such order exhibits total impropriety on the part of the Sub-Divisional Officer in the manner the order is passed, overlooking the observations made by the Court in order dated 27 January 2025 as well as prior orders, and considering the similar facts in the case of **Goma Engineering Pvt. Ltd.** (Supra) as noted by this Court.

4. We accordingly permit the petitioner to challenge the order by incorporating an amendment. Let amendment be carried out in the petition within three days from the day a copy of this order is made available. Amended copies of the petition be served upon all the parties.

5. We shall proceed to hear the parties on the amended petition. Let the reply affidavits to the amended petition, if any, be placed on record before the returnable date.

6. We also permit the M.I.D.C., if it so desires, to challenge the said

order and if any such petition is filed, let the same be tagged along with this petition.

7. List on **26 February 2025** (H.O.B.)

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]