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

WRIT PETITION NO. 8131 OF 2024

Shraddha Dinesh Kad and Ors.

... Petitioners

V/s.

The State of Maharashtra and Ors

... Respondents

Mr. Sachin P. Shetye with Jotiram R. Jadhav for the Petitioners

Mr. A.I. Patel, Addl.G.P with Ms. M.S. Bane, AGP for Respondent - State

**CORAM : B.P COLABAWALLA AND
FARHAN P. DUBASH, JJ.**

DATE : 11 SEPTEMBER 2025

P.C. :

1. The above Writ Petition has been filed seeking a direction to Respondent No.2 to delete the reserved remark entry “subject to provisions of Maharashtra Private Forest Act” from the other rights column of the 7/12 extract of Gat No. 143 admeasuring 1 Hector 60 Are situated at Pale, Taluka Maval, District – Pune, and it be restored as agricultural land.

2. It is the case of the Petitioners that initially, this very land [Gat No. 143] was acquired by the Government from the original owner for the Pavana Irrigation Project. Thereafter, realizing that the aforesaid land is above the Highest Flood Level, the same was restored back to the original owner. It appears that thereafter, in December 2005, in the 7/12 extracts,

the Mutation Entry in the other rights column was made. This entry was confirmed on 20 January 2006. The Mutation Entry is numbered as 675 dated 20 January 2006. The Petitioners before us are the purchasers of the said land from the original owner and have filed the present Writ Petition seeking to remove the aforesaid entry.

3. It is the case of the Petitioners that it is an admitted position that the aforesaid land is not a private forest because no notice has been issued and served on the original owner as contemplated under sub-Section 3 of Section 35 of the Indian Forest Act, 1927. In this regard, the Petitioner relied upon a letter dated 21 April 2007 addressed by the Deputy Conservator of Forest to the original owner in which it is stated that the notice under Section 35(3) of the Indian Forest Act, 1927 has not been issued and delivered to the original owner. In this regard, he brought to our attention paragraph 5 of the said letter. Once this is the case, the entry cannot be sustained and ought to be deleted, is the submission of the Petitioner.

4. We find from the record that the Government has filed an affidavit dated 15 July 2025 on behalf of Respondent Nos. 2,4 and 5. However, what is important in the present matter is an affidavit by Respondent No.3 who is the Deputy Conservator of Forest, Pune. The learned Advocate appearing on behalf of the Government sought time to file an affidavit in reply on behalf of Respondent No.3.

5. Acceding to her request, we direct that the affidavit in reply shall be filed within a period of four weeks from today and a copy of the same shall be served on the Advocates for the Petitioners. We make it clear that we will not grant any further time to file the said affidavit.

6. We now place the above matter on board on **9 October 2025**.

7. We put the parties to notice that we may dispose of the Writ Petition on that day itself, time permitting.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(FARHAN P. DUBASH, J.)

(B.P. COLABAWALLA, J.)