

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18343 OF 2024

Vansha Devji Kanhat

...Petitioner

Versus

The State of Maharashtra

Thr. the Department of Forest and Ors

...Respondents

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Mr. Prajakt M. Arjunwadkar (*through VC*) *i/b P.S. Hande, J.B. Gharat, for Petitioner.*

Mr. Vinod D. More, *Respondent Nos. 4 to 8.*

Ms. Savina R. Crasto, *AGP for State.*

Mr. Nilesh Patil, *Nayab Tahasildar, SDO Office Dahanu.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : December 4, 2025

ORDER :

1. The matter has been heard on multiple occasions.
2. The fundamental grievance of the Petitioner is that the Sub-Division Level Committee had not heard the Petitioner when it passed its order adverse to the Petitioner and overruling the resolution of the Gram Sabha. The Petitioner pursued the matter before the District Level Committee and the District Level Committee did not interfere with the decision of the Sub-Division Level Committee that had been impugned.

3. After the parties have been heard on multiple occasions, it is felt appropriate to remand the matter back for fresh consideration by the Sub-Division Level Committee, by giving the Petitioner an opportunity of being heard so that his statutory entitlements, which form subject matter of resolution by the Gram Sabha, are not lightly interfered with.

4. Indeed, it is evident that there is a dispute over right of way with Respondent Nos. 4 to 8, which also form subject matter of proceedings in a civil suit with a jurisdictional civil court. The disputes in that regard represent a separate cause of action and that cannot fundamentally undermine the entitlement to rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (“*the Act*”), which has already been endorsed by the Gram Sabha.

5. Should the Sub-Divisional Committee be desirous of disturbing the entitlements declared in the resolution passed by the Gram Sabha, it would be incumbent on it to issue notice to the Petitioner and give him an opportunity of being heard so that principles of natural justice are duly complied with.

6. With the aforesaid directions, this Petition is *finally disposed of*.

7. Needless to say, nothing contained in this order is an expression of an opinion on the merits of the matter one way or the other. It is only *prima facie* seen that disputes over right of way have been intermingled with the claim to entitlement to forest lands and each cause of action may be pursued independently in accordance with law.

8. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]