

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4859 OF 2025

Ratnagiri Zilla Shetkari Kath Vyavasayik Sangh Nivali
Through its President, Balkrishna Shriram Jadhav ...Petitioner

Versus

The State of Maharashtra
Through Principal Secretary,
Revenue & Forest Department & Ors. ...Respondents

Mr. Siddharth Mehta a/w Ms. Harshada Shrikhande, Mr. Vaibhav & Ms.
Bhargavi Mundhe for the Petitioner.
Mr. R. S. Pawar, AGP for the State-Respondent.

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

DATE : 9 APRIL 2025

P.C. :

1. This petition is filed in a representative capacity by the Petitioner-Trust, whose members are engaged in the manufacturing of Kath/Catechu for which Khair Wood is the raw material, which is a forest product governed under the provisions of different laws in relation to the forest.

2. The reliefs which are sought by the Petitioner-Trust, which require to be noted, read thus :

- a) Rule be granted;
- b) This Hon'ble Court be pleased to issue the appropriate Writ, Order or Direction, thereby directing the Respondent Authorities to permit the members of the Petitioner-Trust to operate their manufacturing units in accordance with law;
- c) This Hon'ble Court be pleased to issue appropriate Writ,

Order or Direction, thereby setting aside the Notices demonstrating that the permission cannot be granted due to the lapse of a period of 5 years from the date of the registration of the manufacturing units of the Petitioner-Trust addressed by Respondent No. 5;

d) This Hon'ble Court be pleased to direct the Respondent Authorities to adopt the amended guidelines dated 11.09.2017 issued by Respondent No. 6;

e) This Hon'ble Court be pleased to grant ad-interim reliefs in terms of prayer clauses (b) and (c);

f) This Hon'ble Court may be pleased to pass any such other and further orders and/or directions as may be necessary and expedient in the facts and circumstances of the present case.

3. Learned counsel for the Petitioner has fairly pointed out that the members of Petitioner have already made applications, however, specific relief *qua* such applications is not prayed for in this petition. He states that such applications are pending consideration with Respondent No. 5, "the Range Forest Officer (T), Chiplun" and which need to be considered on their own merits and in accordance with law and the appropriate orders to be passed.

4. In support of such contention, learned counsel for the Petitioner has placed reliance on an order dated 17 March 2025 passed by this Court in the case of *M/s. Om Ganesh Kaath Industries V/s. State of Maharashtra and Others*¹, wherein this Court had directed the competent authority to hear the Petitioner on the representation made by it in regard to the permission as sought for to utilize the Khair Wood for the purpose of manufacturing of Kath/Catechu.

5. We note the said order, which reads thus :

"1. This petition is filed under Article 226 of the

¹ Writ Petition No. 3435 of 2025.

Constitution of India.

2. The petitioner before us is engaged in the business of conversion of Khair wood to katha which is a traditional industry that has been in operational for decades, being duly monitored by the concerned authorities, as claimed by the petitioner.

3. We have heard Shri Abhay Khandeparkar, learned Senior Advocate for the petitioner and Ms. P.J. Gavhane, AGP for the State.

4. Mr. Khandeparkar, learned Senior Advocate would submit that the petitioner is primarily aggrieved by the inaction on the part of respondent nos.2 to 5 not to extend/renew the registration certificate dated 16 December 2019 (at Exh.-B page 31 to the petition) granted to the petitioner, for the purpose of processing khair wood into katha.

5. Mr. Khandeparkar would then submit that the petitioner received an undated letter of February 2023 from the respondents stating that the registration certificate was valid only until 22 February 2023 and therefore, required to be renewed. In this regard, the petitioner addressed a letter dated 21 February 2023 to the respondent authorities requesting them to grant permission to the petitioner on a permanent basis without insisting on a condition for renewal of the said certificate. The respondent through the Deputy Conservator of Forest vide its letter dated 19 April 2023 informed the Chief Conservator of Forest about the grievance of the petitioner and recommended to extend the validity of the said registration certificate dated 16 December 2019 issued in favour of the petitioner without insisting on any time period, as a condition

for renewal.

6. Mr. Khandeparkar would then refer to a Public Interest Litigation No.9 of 2024 filed in this Court which, according to him, would affect the rights and interest of the present petitioner. However, without going into the contentions of the petitioner in this regard we leave it open to the petitioner to file appropriate proceedings in the said PIL, as advised.

7. Ms. Gavhane, learned AGP would oppose the petition. There is no written opposition and/or affidavit in reply on record.

8. We have heard the learned counsel for the parties and with their assistance have perused the record.

9. We find that the respondent authorities have not taken any decision on the petitioner's application/representation dated 21 February 2023 to extend/renew the said registration certificate dated 16 December 2019 without insisting on any time limit for such registration. Such application/representation of the petitioner ought to be decided in accordance with law by the respondent authorities.

10. Considering the above, the following order would meet the interest of justice:-

ORDER

(i) The competent authority of the respondent shall hear the petitioner on its representation dated 21 February 2023 and after hearing the petitioner, the respondent authority shall pass a reasoned order in accordance with law as expeditiously as possible, in any event, not later than within a period of eight weeks from the date this order is presented to the said respondent authority.

(ii) All rights and contentions of the parties are expressly kept open.

(iii) The petition is disposed of in the above terms. No costs.”

6. Learned counsel for the Petitioner submits that it would be in the interest of justice that similar orders be passed in the present case, so that the applications of the members of Petitioner can be decided by Respondent No. 5 or the competent authority as expeditiously as possible.

7. Learned AGP for the Respondents is not averse to such orders to be passed.

8. In this view of the matter, we dispose of this Petition by the following order :-

ORDER

- a. The competent authority of the Respondents shall decide the application/representation if any of the Petitioner's members by passing a reasoned order in accordance with law as expeditiously as possible and in any event within a period of eight weeks from the date on which the copy of this order is presented before the competent authority.
- b. An opportunity of hearing be granted to the members of Petitioner-Trust/Applicants.
- c. All contentions of the parties are expressly kept open.
- d. Petition stands disposed of in the above terms. No costs.
- e. Parties to act on the authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

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KOTAWADEKAR
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