

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13117 OF 2025**

Laxman Mhadu Bhovar
(since deceased through his Legal Heirs) ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Milind Parab a/w Rajendra Gawade, Sumit Khopkar i/b. Milind Parab & Associates for the Petitioner.

Ms. Savita Prabhune, AGP for the State.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 07th OCTOBER 2025

P.C.

1. This Petition is filed under Article 226 of the Constitution of India
prays for the following substantive reliefs:-

“(a) that this Hon'ble court may please to issue a writ of certiorari or any other appropriate writ calling for the record & proceedings in the matter of declaration order under section 22A of Maharashtra Private Forest (Acquisition) Act 1975 relating the petitioner land bearing Survey No 15, Hissa No 1, admeasuring 2.53.90 H.R. situated at Village Yehoor, Tal. & Dist. Thane, and after scrutiny and perusal as to Propriety, Legality, Validity, and Correctness of the order dated 05.05.2008 passed by the Sub-Divisional Officer Thane, Division-Thane, in the Proceeding bearing No 92/2006 and 96/2006 and pursuance of said order petitioners name be recorded in 7/12 extract on Bhogavatdar column & delete the name of Maharashtra State Reserve Forest and restore the land in favors of the Petitioner.

(b) This Hon'ble court may please to issue appropriate write, directing the respondents to forthwith restored the land and handover the possession permanently in favor of petitioner's

land Survey NO 15 Hissa No 1 at village Yehoor, Tal- & Dist. Thane form the declaration made under section 22-A of Maharashtra Private Forest (Acquisition) Act, 1975.

(c) That this Hon'ble court be pleased to direct the Respondents No. 2 to decide the application filed by the petitioner under section 6 of Maharashtra Private Forest (Acquisition) Act, 1975.

(d) Pending the hearing and final disposal of the writ petition, the Hon'ble court may please to restrain the respondents by way of injunction from disposing of the petitioner's land survey No 15 Hissa No 1 situated at village Yehoor, Tal-Dist. Thane in pursuance of order dated 05/05/2008 passed by Sub Division Officer Thane, Division Thane.

(e) Considering the fact and circumstances of the case, this Writ petition may kindly be disposed of on merit at the admission stage.

(f) Ad-interim reliefs in terms of prayer clause (d) above;

(d) Any other and further order be passed in favour of the Petitioners in the interest of justice.”

2. The Petitioner is primarily aggrieved by the inaction on the part of Respondent No.2 in not deciding his application dated 26th April 2024 filed under Section 6 of the Maharashtra Private Forest (Acquisition) Act 1975, which is stated to be causing grave prejudice to the Petitioner. The Petitioner submits that the present Petition has been filed in as much as the Petitioner's land has been declared as “restored” under Section 22A of the Maharashtra Private Forest (Acquisition) Act, 1975 and thereby the Respondents have wrongly and erroneously exercised their power to delete the name of the deceased Laxman Mhadu Bhovar (who is now represented through his legal heirs Mr. Krushna Laxman Bhovar) from the Kabjedar column and kept his name “in other rights column”.

3. The grievance of the Petitioner is that such application needs to be taken to its logical conclusion and the same therefore ought to be looked into and decided in an expeditious manner and as the law would mandate.

4. In view of the limited relief prayed by the Petitioner in the present Petition and although there being no written opposition/reply of the Respondents and considering the nature of the orders which we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice:-

ORDER

- i. Respondent No.2 to consider and decide the pending application, dated 26th April 2024 filed under Section 6 of the Maharashtra Private Forest (Acquisition) Act 1975, in accordance with law and as expeditiously as possible, preferably within a period of eight weeks from the date this order is made available to the said Respondent by the Petitioner.
- ii. Let all the parties be heard.
- iii. All rights and contentions of the parties are expressly kept open.
- iv. The Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)