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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13549 OF 2025

Mr. Dhanraj Nathuram Aswani ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Prasad Dani, Senior Advocate i/b. Mr. Jagdish G. Aradwad, for Petitioner.

Ms. P.J.Gavhane, AGP for Respondent No. 1 to 10/State.

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

DATE: 15th October 2025

P.C.

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

a) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India thereby directing the Respondents No.1 to 10 to take necessary action against the illegal and unauthorized construction made by the Respondent No.11 on Government / Forest Land being Survey No. 16, and adjoining lands including land S. No. 24/1 situated at Mauje Chavsar, Tal: Maval, Dist: Pune and submit compliance report to is Hon'ble Court within a fixed time schedule.

b) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India thereby directing the Respondents No. 1 to 10 to restrain the Respondent No. 11 from using the said Government / Forest Land being Survey No. 16, and on some portion of Petitioner's land i.e Survey No.24/1 situated at Mauje Chavsar, Tal: Maval, Dist: Pune, for commercial purposes, which is admittedly encroached b the Respondent No.11 as per the internal report of the Respondent authorities.

c) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India thereby directing the Respondent authorities, specifically the Respondent No.3 - Collector, Pune to act on the Petitioner's representations in accordance with the law and take appropriate action against the illegal and unauthorized construction made by the Respondent No.11 on Government / Forest Land being Survey No. 16, and on some portion of Petitioner's land i.e Survey No.24/1 situated at Mauje Chavsar, Tal: Maval, Dist: Pune and submit compliance report within a fixed time schedule.

d) Pending hearing and final disposal of the present petition, this Hon'ble Court be pleased to direct the Respondents No. 1 to 10 to take necessary action against the illegal and unauthorized construction made by the Respondent No.11 on Government / Forest Land being Survey No. 16, situated at Mauje Chavsar, Tal: Maval, Dist: Pune and submit compliance report to this Hon'ble Court within a fixed time schedule.

e) Pending hearing and final disposal of the present petition, this Hon'ble Court be pleased to direct the Respondents No.1 to 10 to restrain the Respondent No.11 from using the said Government / Forest Land being Survey No. 16, and on adjoining lands including Survey No.24/1 situated at Mauje Chavsar, Tal: Maval, Dist: Pune, for commercial purposes, which is admittedly encroached by the Respondent No.11 as per the internal report of the Respondent authorities.

f) Pending hearing and final disposal of the present petition, this Hon'ble Court be pleased to direct the Respondent authorities, specifically the Respondent No.3 - Collector, Pune to act on and to decide the Petitioner's representations in accordance with the law and take appropriate action against the illegal and unauthorized construction made by the Respondent No.11 on Government / Forest Land being Survey No. 16, and on adjoining lands including i.e Survey No.24/1 situated at Mauje Chavsar, Tal: Maval, Dist: Pune and submit compliance report within a fixed time schedule.

g) Ex-parte ad-interim relief in terms of prayer clauses (d) to (f) above, may kindly be granted in favour of the Petitioner.

h) Costs of the present Petition be kindly provided to the Petitioner.

i) Any other just and equitable reliefs that this Hon'ble Court may deem fit and proper in the interest of justice, may kindly be granted in favour of the Petitioner.

2. Mr. Dani, learned Senior counsel has made submissions. The grievance of the Petitioner is that repeated complaints have been made by the Petitioner since the year 2019, copies of which are annexed to the Petition in regard to the illegal use of the land in question old Survey No.16 situated at Mauje Chavsar, Tal.Maval, Dist.Pune near the Pavna lake, on which illegal construction has been undertaken by Respondent No.1. The case of the Petitioner is that land in question is a Forest land and it cannot be used for any non-forest purpose much less residential or commercial. The grievance of the Petitioner that although repeated complaints are made no action is being taken by the Collector and also by the Forest Department. Our attention is drawn to the various complaints which are part of the record, as also the letters addressed to Respondent No.11. It also appears that, in pursuance of such complaint, the Sub-Divisional Officer of the Irrigation Department addressed a letter dated 20th July 2020, to the Executive Engineer, inter alia recording that Respondent No. 1 is undertaking illegal construction on the land in question, and that the same is required to be removed as is also prejudicial to the interest of the Pavna Dam. However no effective action despite such letter was taken and as on date such illegal construction is existing on the said land which is a Forest land as contended on behalf of the Petitioner. Our attention is drawn to a detailed representation dated 30th September 2024, as made by the Petitioner to various authorities including Governor of Maharashtra and the Chief Secretary, and Principal Secretary of Irrigation Department, Forest Department etc. It is also made to several local officers including the Commissioner, Collector, the Deputy Conservator of Forest, Tahsildar as also Forest Department, clearly pointing out the

nature of the illegal construction of the same and ought to be removed, as no action was taken, further representation dated 15th October 2024, 21st October 2024 is addressed.

3. It appears that the Deputy Conservator of Forest, Pune vide letter dated 6th January 2025, addressed to the Petitioner and to the Assistant Conservator of Forest has recorded that the said land (Survey No.16, total 21 Acres 3 Ares) is belonging to the State Government and has been declared to be reserved Forest, and further that the said land is of the ownership of the State Government. It was observed that the said land is required to be resumed by the Collector.

4. On such backdrop very recently i.e. on 3rd February 2025 and 19th September 2025, representation has been addressed to the different authorities by the Petitioner and as no action been taken this Petition has been filed.

5. After hearing the learned counsel for the parties in the morning session, we called upon Ms.Gavhane, learned AGP to take instructions. She has taken written instructions from Deputy Conservator of Forest Shri Mahadev Mohite, who has addressed the letter to the learned AGP dated 15th October 2025, in which the following relevant paragraph appears to indicate the action which are being taken and or contemplated by the Deputy Conservator of Forest :

As per the Hon'ble Supreme Court's order in T.N Godaverman vs Union India WP. 202/1995 and WP no 301/2008 and IA no 254946/2023 and IA No. 9108/2024 dated 15 May 2025, action has been initiated to transfer forest lands under the control of the Revenue Department back to the Forest Department. In this regard, the Government of Maharashtra issued a Government Resolution on 5 September 2025. In accordance with this Government Resolution, a Special Investigation Committee has been constituted under the chairmanship of the District Collector, and through this committee,

the process of taking decisions regarding forest lands currently under the control of the Revenue Department is in progress.

5. It appears that aforesaid instructions received by the learned AGP that the Deputy Conservator of Forest is aware of the Order passed by the Supreme Court in **T.N.Godavarman Vs. Union of India** and that action is required to be initiated in regard to the misuse of the Forest land. For the purposes as complained by the Petitioner and as accordingly stated that the Revenue Department needs to take appropriate steps to transfer Forest lands back to the Forest Department. In this view of the matter, we direct that the Collector shall take appropriate steps, in accordance with law, and after hearing all the stake holders including Respondent No.11, restore the Forest land in the event the Petitioner's complaint is correct.

6. Although Respondent No.11 is not represented, we are of the opinion that no prejudice would be caused if considering the nature of order we intend to pass that any action which would be taken would be taken after granting an opportunity of hearing to the Petitioners, to Respondent No.11 and any other stake holders and that the mandate of law shall be followed in restoring the Forest land to be used for Forest purposes and any illegal encroachment if is found on any Forest land same shall be removed.

7. All contentions of the parties in this regard are expressly kept open.

8. Disposed of in the aforesaid terms. No costs.

9. Let this entire exercise be undertaken within a period of 8 weeks from today.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)