



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.440 OF 2020

Vishal S/o Madhukar Shilvant and others .Vs. State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Shreya Jain, Adv. h/f Mr. S.S. Dhengale, Adv. for petitioner.
Mr. N.R. Patil, A.G.P. for respondent/State.

CORAM : ALOK ARADHE, CJ. AND ANIL S. KILOR, J.

DATED : 27/02/2025

P.C.

1. The petitioners have approached this Court by way of this petition, raising a challenge to the action of the respondents erecting iron fencing around the petitioners' agricultural fields without following due procedure of acquisition or issuing without prior notice for erecting and installing the iron wire fencing around their respective fields.

2. The petitioners made the following prayers in the petition :-

“(i) direct the respondent Nos.2 The Range Forest Officer, Lonar Wildlife Reserved Forest, Lonar, Tah. Lonar, District – Buldhana, respondent N.3 – The Collector, Buldhana, Tah. and District – Buldhana and respondent No.4 – The Tahsildar, Lonar, Tah. Lonar, District – Buldhana, to remove the iron fencing erected around the field Survey No.341/1, 342/1, 342/2 and to make them available the approached road to their above fields;

(ii) direct the respondent Nos.2 The Range Forest Officer, Lonar Wildlife Reserved Forest, Lonar, Tah. Lonar, District – Buldhana, respondent No.3 – The Collector, Buldhana, Tah. and District – Buldhana, and respondent No.4 – The

Tahsildar, Lonar, Tah. Lonar, District – Buldhana, to give opportunity of hearing before taking any action of acquisition or otherwise regarding their fields Survey No.341/1, 342/1, 342/2.

(iii) grant nay other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case, in the interest of justice."

3. The prayer clause-(i), demands directions to the respondent No.2 to 4 to remove the iron fencing around the field Survey Nos.341/1, 342/1, 342/2 and to make available the approach road to the above fields.

4. Though the petitioners have pleaded that their respective fields are covered from all sides by erecting fencing and no access is provided to them their respective fields, this has been controverted by the respondent Nos.2 to 4 by filing a reply.

5. Shri Patil, learned A.G.P., categorically stated that the respective fields of the petitioners are not surrounded by fencing as alleged. It is submitted that the fencing is erected on one side and the access to their respective fields is provided from the other side.

6. It is submitted that thus, the access is available to the petitioners and it is not blocked or obstructed as alleged.

7. Shri Patil, learned A.G.P. has drawn attention of this Court to Paragraph-6 of the affidavit, *inter alia* stating that the Divisional Forest Officers Wildlife Division, Akola, vide communication dated 28.11.2019, informed the Tahsildar, Lonar that 300 meter approach road is made

available to the petitioners for ingress and egress to their respective fields from Lonar-Mantha road near the Ganpati gate.

8. It is submitted that thus, the proper approach road is provided to the petitioners to their respective agricultural fields. It is further pointed out that, since Lonar is declared as a sanctuary by issuing Notification dated 08.06.2000 and in view of the various orders issued by this Court in P.I.L. No.4549 of 2009, the work of erection of fencing was carried out.

9. Since a categorical statement is made by the respondents that 100 meter approach road is provided to the petitioners to their respective fields and since this statement is not rebutted by the petitioners by filing rejoinder, we accept the statement.

10. Having accepted the aforesaid statement, we are of the opinion that, nothing survives in the present writ petition.

In that view of the matter, the writ petition is disposed of.

(ANIL S. KILOR, J.)

(CHIEF JUSTICE)