



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3994 OF 2024

Rajkumar S/o. Samayya Potte,
Aged about 31 years, Occ.–Business,
R/o. Asaralli, Gadchiroli, Asralli,
Tq. Sironcha, Dist. Gadchiroli.

.... **PETITIONER**

// **VERSUS** //

Deputy Conservator of Forest,
Sironcha Forest Division,
Sironcha, Dist. Gadchiroli.

.... **RESPONDENT**

WITH

WRIT PETITION NO. 4251 OF 2024

Devendra S/o. Lachanna Goturi,
Aged about 31 years, Occ.–Business,
R/o. Jangalpalli, Ward No.1,
Ankita Chak, Tq. Sironcha,
Dist. Gadchiroli.

.... **PETITIONER**

// **VERSUS** //

Deputy Conservator of Forest,
Sironcha Forest Division,
Sironcha, Dist. Gadchiroli.

.... **RESPONDENT**

WITH

WRIT PETITION NO. 4358 OF 2024

Suresh S/o. Chandrayya Arenda,
Aged about 44 years, Occ.–Business,
R/o. Post Ankisa,
Tq. Sironcha, Dist. Gadchiroli.

.... **PETITIONER**

// **VERSUS** //

State of Maharashtra,
Through Deputy Conservator of Forest,
Sironcha Forest Division Sironcha,
Dist. Gadchiroli.

.... **RESPONDENT**

WITH**WRIT PETITION NO. 4246 OF 2024**

Santosh S/o. Sambayya Goturi,
Aged about 42 years, Occ.–Business,
R/o. Post Asaralli, Tq. Sironcha,
Dist. Gadchiroli.

.... **PETITIONER**

// **VERSUS** //

Deputy Conservator of Forest,
Sironcha Forest Division,
Sironcha, Dist. Gadchiroli.

.... **RESPONDENT**

Mr. R. R. Vyas, Advocate along with Mr. Rohan Kothari, Advocate
for the Petitioner.
Ms. Prachi Joshi, Assistant Government Pleader for the
respondent/State.

CORAM : **SMT. M.S. JAWALKAR, J.**

DATE : **JANUARY 29, 2025.**

COMMON JUDGMENT :

1. At the request of the learned Counsel for the Petitioner, leave to correct the prayer clause in Writ Petition No.3994/2024 and Writ Petition No.4358/2024, is granted. The amendment be carried out forthwith.
2. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.
3. The Petitioners in Writ Petition Nos.3994/2024, 4251/2024 and 4246/2024, are challenging the Communication dated 23.06.2023, and the Petitioner in Writ Petition No.4358/2024 is

challenging the Communication dated 26.06.2023, passed by the respondent – Deputy Conservator of Forest, Sironcha Forest Division Sironcha, District Gadchiroli.

4. In all the Petitions, common ground is raised that before cancelling the license, no opportunity was granted to defend the matter. As all the matters are involving a similar issue therefore, they are taken up to decide together as Writ Petition No.3994/2024 is leading case for consideration of facts and other material.

5. The Petitioner is challenging the Communication dated 23.06.2023, passed by the Respondent, whereby license of the Petitioner running a furniture mart has been cancelled on the basis of Forest Offence No.11/2023, dated 22.06.2023 is registered against the Petitioner. The list of articles seized is forwarded to the Office of Respondent. As such, it is held that provisions of Indian Forest Act, 1927 and Maharashtra Forest Rules, 2014 are violated by the Petitioner. The Range Forest Officer, Sironcha conducted a raid at the furniture mart owned by the Petitioner on the ground that he has illegally stolen the teak wood from the forest. It appears from the record, there is no dispute that raid has conducted and offence came to be registered on 22.06.2023 and immediately on the next date, the respondent by Communication dated 23.06.2023, cancelled the license.

6. In the Writ Petition No.4358/2024, a raid was conducted on 22.06.2023 and on the next day i.e. on 23.06.2023, the license was cancelled temporarily on the basis of registration of offence and thereafter immediately on 26.06.2023 the license was cancelled permanently. In the said Communication dated 23.06.2023, issued to M/s. Bhargavchari Furniture Mart, time was granted till inquiry to be completed by the Range Forest Officer, Protection and Encroachment Removal, Sironcha. However, in view of the order passed on 26.06.2023, there is no reference that inquiry is concluded by the concerned Authority. It is also submitted that on 23.06.2023 was Friday and dated 24.06.2024 and 25.06.2023, it was Saturday and Sunday and the impugned order was came to be passed on 26.06.2023, without granting any opportunity. In other Petitions also appears that offence came to be registered on 22.06.2023 and immediately on the next date license came to be permanently cancelled. The date of cancellation is 23.06.2023, whereas the Inquiry Report is dated 22.09.2023. This report was not provided before passing the order dated 23.06.2023, therefore, no effective defence could be placed on record by the respective petitioners.

7. It is expected that the Authorities should act in fair and reasonable manner. When the Crime was registered and the respondent cancelled the license permanently without granting an opportunity to

defend is nothing but arbitrary and illegal act, which cannot sustain in the eyes of law and defeat the fundamental rights of the Petitioners as per Article 14 as well as Article 19 of the Constitution of India. Hence, all the writ petitions deserve to be allowed.

8. As such, all the Writ Petitions are **allowed**.

9. The impugned orders dated 23.06.2023 passed in Writ Petition Nos.3994/2024, 4251/2024 and 4246/2024, and also order dated 26.06.2023 passed in Writ Petition No.4358/2024, passed by the respondent – Deputy Conservator of Forest, Sironcha Forest Division Sironcha, District Gadchiroli, are hereby quashed and set aside.

10. The matters are remitted back to the Deputy Conservator of Forest, Sironcha Forest Division Sironcha, District Gadchiroli for consideration afresh, after granting due opportunity to the Petitioners.

11. The parties to appear before the Deputy Conservator of Forest, Sironcha Forest Division Sironcha, District Gadchiroli on **06.02.2025 at 11.00 am**.

(SMT. M.S. JAWALKAR, J.)