IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5865 OF 2024

Ashok Rajdhar Sonwane Bhill
VERSUS
The State Of Maharashtra Through Its Secretary And Others
...
Mr. S. V. Suryawanshi, Advocate for the Petitioner
Mr. A. V. Lavte, AGP for Respondents-State
Mr. S. B. Madde, Advocate for Respondent no.3

AND

WRIT PETITION NO. 6281 OF 2024

Dilip Kashinath Wagh Bhil
VERSUS
The State Of Maharashtra Through Its Secretary And Others

AND

WRIT PETITION NO. 6063 OF 2024

Babulal Nathu Bhill Deceased Through Lrs Sanjay Babulal Mali Bhill
VERSUS
The State Of Maharashtra Through Its Secretary And Others

AND

WRIT PETITION NO. 5887 OF 2024

Gana Rama Male Bhill Deceased Through Lrs Shivaji Ganshing Male Bhill
VERSUS
The State Of Maharashtra Through Its Secretary And Others

AND

WRIT PETITION NO. 5916 OF 2024

Chipa Nathu Bhill Mali
VERSUS
The State Of Maharashtra Through Its Secretary And Others

AND

WRIT PETITION NO. 5982 OF 2024

Pundlik Natthu Mali Bhill

VERSUS
The State Of Maharashtra Through Its Secretary And Others
AND
WRIT PETITION NO. 5922 OF 2024

Ananda Budha Bhill Sonwane
VERSUS
The State Of Maharashtra Through Its Secretary And Others
.....

CORAM : AJIT B. KADETHANKAR, J.
DATED : 22ND OCTOBER, 2026

P.C. :-

. Feeling aggrieved by the disqualification order passed by the District Level Forest Rights Committee, Jalgaon, the petitioners once had been before this Court vide Writ Petition No.4894 of 2022 with connected Writ Petitions. During the pendency of the Group of Writ Petitions, a statement was made before this Court by the then learned AGP that the said order could be assailed under Section 6A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 ("the Act of 2006" for brevity) before the Appellate Authority. Trusting this statement, the petitioners sought to withdraw the Writ Petitions with liberty to file such appeal. Accordingly, the Writ Petition stood disposed of with liberty to avail alternate remedy.

2. Pursuant to withdrawal of the Writ Petitions, the petitioners filed an appeal under Section 6A of the Act before the concerned committee. However, vide order dated 05.10.2023, the Member Secretary of Divisional Level Forest Rights Committee Nashik @ Additional Commissioner Tribal Development Department, Nashik rejected the said appeal observing that the subject matter portions of lands did not fall within the scheduled area. This order is assailed by the petitioners in the present Writ Petition.

3. Mr. S. V. Suryawanshi, learned Advocate for the petitioners submits that the appeal was filed before the concerned authority in view of the responsible statement made by the then learned AGP to this Court. He further submits that even while passing such order, no opportunity was given to the petitioners to demonstrate that the reasons on the basis of which their appeal was rejected in fact were erroneous.

4. Mr. A. V. Lavte, learned AGP could not disagree with the observations made by this Court wherein learned AGP's statement was recorded about appellate remedy under Section 6A of the Act of 2006.

5. Looking to the text of the impugned order dated 05.10.2023, it appears that there was no hearing to the petitioners by the concerned authority while passing such rejection order. In view of this, I deem it appropriate to allow the Writ Petition thereby quashing the order dated 05.10.2023 passed by the concerned Authority. Hence, I pass following order:

ORDER

a. Writ Petitions stand allowed.

b. Order dated 05.10.2023 passed by the Member Secretary of Divisional Level Forest Rights Committee Nashik @ Additional Commissioner Tribal Development Department, Nashik is quashed and set aside.

c. The matters are remitted back to the said authority.

d. Upon remittance of the matter, said Authority shall issue notice to the petitioners to place on record their contentions.

e. The Authority shall then pass appropriate order on its own merits by affording full opportunity of hearing to the petitioners.

f. Let this job be completed within a period of six months from today.

g. All contentions kept open.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026