NISHA SANDEEP CHITNIS
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Date: 2026.10.03 13:42:32 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11618 OF 2026

Jetu Jacques Taru Lalvani
through his Authorised Power of
Attorney Holder – Rajesh Kewalkishan Khanna ...Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO.11663 OF 2026

Pravin Natwarlal Vepari and Anr. ...Petitioners
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Chaitanya Charan i/b Mr. Prithviraj S. Gole for the Petitioners in both the petitions.

Mr. P. P. Kakade, Addl.G.P. with Mr. M. M. Pable, A.G.P. for the Respondent-State in WP/11618/2026.

Mr. P. P. Kakade, Addl.G.P. with Mr. Karan S. Thorat, 'B' Panel Counsel, for the Respondent-State in WP/11663/2026.

CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.

DATE : 1st OCTOBER 2026

P.C. *:*

1. We had directed the learned Addl. G.P. to take instructions.

The learned Addl. G.P. has taken instructions. The learned Addl. G.P.

concedes to the fact that both the Writ Petitions would be covered by the decision in the case of ***Rohan Vijay Nahar and Others v/s State of Maharashtra and Others***[1]**,** as well as the decision of this Court in bunch of Writ Petitions, the lead Petition being Writ Petition No.1536 of 2017, decided on 23rd July 2026, as neither the process under Section 35(3) nor that under Section 35(1) of the Indian Forest Act has been followed.

2. Two Writ Petitions are listed before us. The first petition, being Writ Petition No.11618 of 2026, has been filed by Jetu Jacques Taru Lalvani. We find that it involves the impugned Mutation Entry No.675 in respect of Village Pale, Taluka Maval, District Pune. The learned counsel for the petitioners has vehemently relied upon a Judgment delivered by this Court in Writ Petition No.8131 of 2024, in the case of ***Shraddha Dinesh Kad and Others v/s State of Maharashtra and Others, decided on 16th February 2026***, which had the involvement of the very same Mutation Entry, in regards to the land, Gut No.143, at Village Pale, Taluka Maval, District - Pune. Upon

1 (2026) 2 SCC 182

appreciating the law laid down in this regard, and noting that there was no proof of service available to establish that the notice under Section 35(3) of the Indian Forest Act had been served and that the proceedings had culminated in a Notification under Section 35(1), the Writ Petition was allowed.

3. We find that the present case falls within the ambit of our Judgment dated 16th February 2026 delivered in Writ Petition No.8131 of 2024.

4. The other Writ Petition, being Writ Petition No.11663 of 2026, is also listed along with the present petition, where the petitioners' land is situated in Village Apti, Taluka Maval, District – Pune, which is distant than the village which was involved in Writ Petition No.8131 of 2024.

5. The learned counsel for the petitioners is justified in submitting that the principle of law laid down by this Court in a bunch

of Writ Petitions, the lead Petition being ***Writ Petition No.1536 of 2017, decided on 23rd July 2026,*** based upon the decision of the Apex Court in the ***Rohan Vijay Nahar (Supra)***, is applicable to both the cases, as there has been no compliance with the provisions of Section 35 of the Indian Forest Act. However, since we have already disposed of a group of petitions and had refrained ourselves from examining each and every case individually, and upon a suggestion being made to the State Government, the Government has issued a Resolution constituting a Committee for examining such claims, we deem it appropriate to relegate the petitioners in both these Writ Petitions to the said Committee, by following the appropriate procedure.

In fact, in our order, we have directed that the petitions themselves shall be treated as representations/applications by the concerned Forest Officer and shall be placed before the State Government for consideration, and a decision shall be taken by applying the law which has already been crystallized in this regard by the Apex Court in ***Rohan Vijay Nahar (Supra),*** as well as by this Court in ***Writ Petition No.1536 of 2017, decided on 23rd July 2026***.

We expect the Committee to take an expeditious decision and, in no case, later than three months from today.

Both the Writ Petitions are accordingly disposed of.

ASHISH S. CHAVAN, J. *BHARATI DANGRE, J.*