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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11034 OF 2025
WITH
INTERIM APPLICATION (ST) NO.543 OF 2026

Laxmi Vilas Jadhav

.. Petitioner

Versus

The State of Maharashtra through its
Revenue and Forest Department &
Ors.

.. Respondents

...

Mr.Raju Suryawanshi for the Petitioner.

Smt.Shruti D. Vyas, Addl.Govt. Pleader with Mr.M.M.Pable,
A.G.P. for the State/Respondent Nos.1 to 6.

Mr.Dileep Satale for the Intervenor.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATE : 03rd FEBRUARY, 2026

...

P.C:-

1. The Petitioner, claiming to be the daughter-in-law of one Dattatrey (Dattu) Panglu Jadhav, seeks a declaration that the land bearing Survey No.91 of Village Zidke, Sajja Ambadi, Taluka Bhiwandi, District Thane is not a 'protected forest' and the provisions of the Indian Forest Act are not, therefore, applicable to it.

A writ of mandamus is sought, directing the Respondents to consider the applications of the Petitioner dated 13/08/2013 and 23/06/2023 filed through Forest Rights Committee formed under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and a direction is also sought to the Respondents to regularize the encroachments of the Petitioner to the extent of 10R area alongwith dwelling house on the said plot of land.

2. We have heard learned counsel Mr.Suryawanshi for the Petitioner as well as the learned Government Advocate representing Respondent Nos.1 to 6.

With their able assistance, we have perused the Petition and the claim in the Petition.

When we specifically inquired with Mr.Suryawanshi as to on what date and on what basis, the Petitioner has staked her claim in regards to which the relief is sought in the Petition, he would invite our attention to the application dated 13/08/2013, Exhibit E to the Petition.

Through this application, Dattatrey (Dattu) Panglu Jadhav addressed a communication to the Tahsildar, Taluka Bhiwandi, District Thane, claiming that he was in possession of the ancestral land in form of Survey No.91, admeasuring 0-10-0 and it was under cultivation by their family and there is a house constructed thereon. With reference to the action initiated by the Forest Department in the year 1969, he urged that a fine was imposed upon him, which was clearly reflective of the fact that he was in possession of the said land.

With reference to the local committee, Ambadi, he submits that the Forest Officer had conducted a survey and through the Vanhakka Samiti, Zidke, and he had made request for regularization of the said land, as it was under cultivation of his family.

3. This Application is made by one Dattatrey (Dattu) Panglu Jadhav and if the Petitioner claims to be his daughter-in-law, she must establish her right to that effect and what we find is, she cannot rely upon this application to stake her claim and if at all she claims to be the legal heir of Dattatrey (Dattu) Panglu Jadhav, she must establish her claim by preferring a representation/application for creation of right in her favour.

It is also to be noted that when the Grampanchayat on the representation of Vanhakka Samiti had collected the documents pertaining to the said land, conspicuously we find that the name of the Petitioner-Laxmi Vilas Jadhav is not reflected in the names of the family members of deceased Dattatrey Panglu Jadhav and this is the precise objection raised by the Government Advocate.

In any case, if the Petitioner is desirous of staking her claim in respect of the land bearing Survey No.91 of Village Zidke, on the basis of her relationship with deceased Dattatrey (Dattu) Panglu Jadhav, it is open for her to present her claim before the competent authority and upon such an application being made, supported by the necessary documents in support of her claim, the concerned authority to which such application is made, shall decide the same expeditiously in accordance with law.

4. With the aforesaid direction, the Writ Petition stands disposed of alongwith the Interim Application.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)