

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15774 OF 2025

Anna Devram Jadhav

.. Petitioner

Versus

The State of Maharashtra and Ors

.. Respondents

...

Mr. Narayn G. Rokade a/w Mr. Siddharth Godke, Mr. Siddharth R. Ghodke, Mr. Ramchandra Wagh, Swapnil Kalokhe, Mrunmai Rokade, Ankita Ugalmugle for the Petitioner.

Mr. O.A. Chandurkar, Addl. GP a/w Mr. M.M. Pable, AGP, for the Respondent – State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 25th FEBRUARY, 2026

P.C:-

1. As directed by our earlier order, the learned Addl. GP Mr. Chandurkar has placed before us the notification issued by the Revenue and Forests Department, in exercise of the powers conferred by sub-sections (1) and (2) of Section 18 of the Wildlife (Protection) Act, 1972, declaring the areas as wild life sanctuary, to be referred to as, 'Nandur Madmeshwar Wildlife Sanctuary', and specifying the limits of the said area in the wake of the schedule appended therein.

The schedule setting out the situation and limits of the Nandur Madmeshwar Wildlife Sanctuary in Nashik Forest Division, Nashik District, refer to an area 10012.74 hectares and the schedule has included 11 villages, which include village Shingve.

This is followed by a subsequent notification dated 16/05/1998, issued by the Sub-Divisional Officer, Niphad, pursuant to the

issuance of notification under Section 18 and appointing the said officer as Enquiry Officer for the purposes of Section 26 of the Act.

2. The enquiry revealed that out of total 10012.717 hectares of land which was part of the notification of 25/02/1986 issued under Section 18 of the Wildlife (Protection) Act, an area of 8177.874 hectares is included which is private land. Upon carrying out necessary inquiry, it was proposed to the State that the area covered under “private land” shall be deleted from Nandur Madmeshwar Wildlife Sanctuary and this was so declared by the Sub-divisional Officer, Niphad, by notification of 16/05/1998.

Amongst the 11 villages, though the total private area was found to be admeasuring 8177.874 hectares, 1025.865 hectares is the private land in Shingve Village.

It has thus emerged with clarity that the private areas from Shingve village to the extent of 1025.865 hectares are excluded from the notification declaring Nandur Madmeshwar Wildlife Sanctuary issued on 25/02/1986.

3. The learned Additional G.P., Mr. Chandurkar, apart from the said notification, has also placed on record the extent of Nandur Madmeshwar Wildlife Sanctuary depicted by way of a map and reflecting the extent as per Section 18 of the Wildlife (Protection) Act, which covers village Shingve. The said notification along with the map are taken on record and marked as ‘X’ for identification.

4. Mr. Chandurkar had placed before us the Government Resolution issued by the Ministry of Environment, Forest and Climate Change on 11/11/2016 as a compliance of the direction

issued by the Apex Court in *T. N. Godavarman Thirumulpad vs Union of India and ors* and issued in form of Wood-Based Industries (Establishment and Regulation) Guidelines, 2016. The Resolution had defined Wood Based Industries as below:-

“(k) ‘Wood Based Industry’ means any industry which processes wood as its raw material (Saw mills/veneer/plywood/pulp or any other form such as sandal, katha wood etc.). It includes a mill but does not include a furniture unit.”

5. The Resolution has imposed a restriction on location of wood based industries by setting out as below:-

“7. Restriction on location of wood based industries.

(i) *In the North Eastern States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim the **wood based industries shall be permitted to be established within the industrial estates.***

(ii) *In the States other than the afore-mentioned North Eastern States, wood based industries shall ordinarily be not allowed to be established within ten kilometers aerial distance from the boundary of nearest notified forests and protected areas. The State Level Committee for the reasons to be recorded in writing and after obtaining prior approval of the Central Government in the Ministry of Environment, Forest and Climate Change may permit to establish/operate a wood based industry at an aerial distance less than 10 kilometers from the boundary of a notified forest or a protected area.”*

6. Reading of the aforesaid would reveal that in the wake of the direction of the Apex Court, the Ministry of Environment, Forest and Climate Change has imposed restrictions on location of wood based industries, and the restriction imposed is, to the effect that wood based industries shall not be allowed to be established within 10 km aerial distance from the boundary of the nearest notified forests and protected areas. However, the State Level Committee, for the reasons to be recorded in writing and after obtaining prior approval of the

Central Government in the Ministry of Environment, Forest and Climate Change may permit establishment or operation of a wood based industry at a distance less than 10 km from the boundary of a notified forest or a protected area.

It is worth to note that there is no final notification issued declaring Nandur Madmeshwar as a Wildlife Sanctuary, but nonetheless it remains a notified and a protected forest and the restrictions imposed by resolution of 11/11/2016 apply with equal force and it is only when the State Level Committee permit such activity, within 10 km from the boundary of the notified forest or protected area with the prior permission of the Central Government such an activity may be allowed to be carried out.

As far as the Petitioner is concerned, he is aggrieved by the Communication by the State Level Committee to the effect that in absence of Timber availability Report, all pending applications for saw mill located within 10 km of reserved forest/protected forest are disposed off with liberty to the applicants to resubmit them as and when the Timber Report is available. The reasoning adopted by the State Level Committee is therefore very clear that as soon as the timber become available, the application shall be required to be considered afresh.

Leaving this liberty open to the Petitioner, we disposed of the Petition.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)