IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16682 OF 2025

Sandhya Sombahadur Gurung and Ors. …Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO.17453 OF 2025

Sandhya Sombahadur Gurung and Ors. …Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Sumedh Modak with Mr. Aakash Bhopi i/b Mr. Vijay Killedar for the Petitioners in both the Petitions.

Ms. S. A. Prabhune, A.G.P. for the Respondents– State in WP/16682/2025.

Mr. Karan S. Thorat, 'B' Panel Counsel for the Respondents-State in WP/17453/2025.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.

DATE : 18th MARCH 2026

P.C. **:**

1. Though on the last date i.e. on 4th March 2026, we granted two weeks time by way of last chance to file an affidavit, as the learned A.G.P. made a statement that the affidavit-in-reply is ready but

it has remained to be affirmed.

2. Ms. Prabhune, the learned A.G.P. today placed a communication before us addressed from the Chief Conservator of Forest, Thane, to the Member Secretary of some Committee which is constituted for defending the proceedings in the Court and indicating that the reply affidavit shall receive approval from the Committee.

3. We have no difficulty in appreciating the concern of the Forest Department in effectively defending the cases filed before the Court as they may involve issues of significant importance to the department but in no case we expect the proceeding before the Court to be prolonged on that count.

We further wonder as to if this Committee is constituted for the purpose of taking care of the Forest Matters, we have before us 100 of petitions, which involve the issue of declaration of private forests and it may be mentioned that today on the board we have at least 60 writ petitions where the grievance of the petitioners is precise

that despite the two Apex Court decisions in the cases of ***Godrej and Boyce Manufacturing Company Limited and Another v/s State of Maharashtra and Others***[1] and ***Rohan Vijay Nahar and Others v/s State of Maharashtra and Others***[2]**,** the State Government has not taken steps in accordance with the law laid down and therefore they had to knock the doors of the Court.

Constitution of a Committee for dealing with Court matters is a welcome step, but we really wonder whether this Committee has to restrict itself for approving the reply affidavit to be filed or it is also empowered to take appropriate decisions and to advise Forest Department, particularly in cases where the issue is already settled by the Apex Court and what is only required to be done by the Forest Department and which duty is now upon us because the petitions are before us is to find out whether a case of the individual petitioner is governed by the law which is laid down by the highest Court of this country and just to be reminded that in terms of Article 143 it is imperative for every authority including the Sub-ordinate

1 (2014) 3 SCC 430
2 (2026) 2 SCC 182

Court, including the High Court to act in aid of the Supreme Court's order. Despite this, the Committees are not taking any steps.

In any case though we grant time to file affidavit-in-reply, we deem it appropriate to impose costs of Rs.10,000/- to be paid by the Forest Department to the Maharashtra State Legal Services Authority, as we had to repeatedly adjourned the matter on account of failure by the authorities to file the affidavit-in-reply, as a result the learned A.G.P. being unable to put before us the stand of the State Government. We also request the learned A.G.P. to bring this order to the notice of the Additional Chief Secretary of the Forest Department. We grant four weeks time to file the reply which shall be accepted, subject to the condition of deposit of costs.

4. Stand over to **15th April 2026.**

MANJUSHA DESHPANDE, J. *BHARATI DANGRE, J.*