

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16682 OF 2025
WITH
WRIT PETITION NO. 17453 OF 2025

Sandhya Sombahadur Gurung and .. Petitioners
ors

Versus

State of Maharashtra, through its .. Respondents
Principal Secretary Revenue and ors

...

Mr. Sumedh Modak with Aakash Bhope i/b Vijay Killedar for
the petitioners.

Mr. Karan S.Thorat 'B' Panel counsel for the State.

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ
DATED : 22nd APRIL, 2026

P.C:-

1 The Forest Department has filed an affidavit which is accompanied in the notification under Section 35(1) of the Indian Forest Act, 1927, which has a reference to a notice being served to one Shri Sheshishokar Bhaskarrao, Guardian Mother, Smt. Saraswatibai Malgundkar of Mulgaon, Taluka Kalyan, District Thane, being described as the owner of the land. The Schedule to the rectification describe the property as below :-

“District Thane, Taluka Kalyan, Village Mulgaon, Survey No. Un-surveyed; approximate area, 1400 acres. Boundaries: North-Boundary of Umbroll and Sagaon Villages: East Boundary of at breast height of the boundary trees which

should be approved by the Officer of the Forest Department not lower than the rank of the Range Forest Officer, well in advance of the commencement of felling. Also no trees below prescribed girth limits should be felled within 50 on either side of the big river or main road and within 10 on either side of Nalla or stream.”

2. The counsel for the petitioner has relied upon the information sought by him under the Right to Information Act, where a copy of the notice under Section 35(3) is furnished to him, being dated 24/3/1956, but the notice mentions that it is issued to a person whose name is written on the reverse and he was called upon to appear within two months from the receipt of the notice before the Regional Forest Officer to show cause as to why the accompanying notification should not be made by the Government of India under sub-section (1) of Section 35, in respect of the Forest specified in the Schedule appended and belonging to him.

If it is the stand of the Government that the notification is issued under section 35(1), it must necessarily be preceded by the notice being issued under section 35(3) received by him and a proof thereof must be available to the Forest Department, establishing the finality of the proceedings initiated for declaring it to be private forest.

Let the Addl. Government Pleader produce before us the record pertaining to the property involved in the present petition on the next date of hearing.

3. We expect the Government Advocate to produce the entire file which shall include the notice issued under Section 35(3) and notification published under Section 35(1) of the Indian Forest Act, 1927.

List on **29/4/2026**.

(MANJUSHA DESHPANDE, J)

(BHARATI DANGRE, J.)