

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4524 OF 2026

Russell Francis D'Mello and anr .. Petitioners
Versus
State of Maharashtra through its .. Respondents
Secretary and ors

...

Mr.Suyash Sule for the petitioners.
Mr. O.A. Chandurkar, Addl. G.P with Ms.VR. Raje, AGP for the State.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATED : 8th APRIL, 2026

PC:-

1 Petitioners are constrained to approach this Court, since according to the learned counsel, the direction issued by this Court in Writ Petition No. 1881/2024 on 13/6/2025 is not complied with.

In the first round, when the petitioner approached the Court for quashing and setting aside the mutation entry no.139 in respect of land bearing gut no.38 of village Pangloli, Taluka Maval, District Pune, dated 30/9/2008, and seeking a declaration that the aforesaid land is not a forest land and not bound by the provisions of Maharashtra Private Forest

(Acquisition) Act, 1975, this Court taking note of Section 6 of the Maharashtra Private Forest (Acquisition) Act, 1975, permitted the petitioner to approach the authority and directed that if such an application/appeal is filed, it shall be expeditiously decided and in any event, within a period of eight weeks from today.

2. The grievance with which the petitioner approached before us is the action on part of the Authority to decide the Appeal/Application. Though we are of the view that we have entertained the petitions, seeking quashing and setting aside of mutation entries in respect of the piece and parcel of land in various petitions and we are bounded by the decision of the Apex Court in **Godrej & Boyce Manufacturing Co.Ltd and Anr Vs. State of Maharashtra and ors,**¹ and **Rohan Vijay Nahar and ors Vs. State of Maharashtra and others,**² but in this case, since the petitioners have already approached the Appellate Authority under Section 6 and despite direction being issued to expeditiously decide the same, there is no decision taken by the Collector Pune, by way of last opportunity, we direct the Collector, Pune to take decision thereof within a period of six weeks from today. However, if there is no decision taken, the petitioners have liberty to file Writ Petition raising a challenge to the mutation entry and seeking and seeking a declaration that the land is not a private forest under the Maharashtra Private Forest (Acquisition) Act, 1975.

¹ (2014) 3 SCC 430

² 2025 SCC Online SC 2366

3. The learned Government Advocate Mr.Chandurkar shall communicate this order to the Collector, Pune and ensure this compliance.

Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J)

(BHARATI DANGRE, J.)