

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3762 OF 2024

Ajit Gopaldas Thakkar .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

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Mr. Rajesh Kachare i/by Sonal Dabholkar, for the Petitioner.

Ms Jaymala Ostwal, Addl.G.P., for the Respondent – State.

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

DATED : 05th MARCH, 2026

P.C:-

1. The Petitioner has approached this Court seeking a direction in regard to the property bearing Survey No. 150, Hissa No.1 and CTS No. 2269 (admeasuring 5 Acres and 15 Gunthas i.e. 21.751 sq.mtrs.) situated at Village- Erangal, Tal- Borivali, Dist- Mumbai, to be deleted from the notification dated 18.01.2007 and the further gazette notification dated 07.07.2008, thereby declaring the said land to be a forest land. While the Petitioner sought a relief of setting aside the impugned notifications, he also sought a declaration that the subject property is not governed by the said notification and is liable to be excluded therefrom.

2. In response to the Writ Petition, the Divisional Forest Officer, Mangroves Division, North Konkan has affirmed an affidavit on 04.03.2026, and a copy of the same is placed

before us by the learned counsel for the Petitioner as the learned counsel representing the Government has marked her appearance through V.C. In the said affidavit, a following statement is categorically made:

“8. I say that on 7.7.2008 by a notification issued under sec.29 of Indian Forest Act 1927, an area of 3.20 hectares including Survey No.150/1/A and CTS No. 2269 of village Erangal was declared to be Protected Forest. On 4.10.2013 a notification under section 4 Indian Forest Act 1927 was issued announcing the intention of the Government to declare 3.20 hectare of the said S No.150 village Erangal as Reserved Forest. By a further notification dated 23.3.2021 issued under section 20 Indian Forest Act 1927, 3.2 hectare of the said S No.150 village Erangal was declared to be Reserved Forest.

9. I say that having regard to the provisions of sections 4, 20 and 29, Indian Forest Act 1927, the private property in S No.150/1/A village Erangal has been inadvertently included in the notifications issued under the Indian Forest Act 1927. The said notifications will be suitably corrected to exclude the Petitioner's privately owned property i.e., S. No.150/1/A Erangal. However, this would require a fair period of time as different Departments have to follow the approved procedure for effecting this correction.”

The learned Government Advocate however insist that the land is notified as “forest”, as defined in the Forest (Conservation) Act, 1980 and is, therefore, covered by the judgment of this Court in PIL No. 87 of 2006, and as a result, any non-forest activity is not permissible on the said land without seeking prior permission of the Central Government. We must clarify that in the wake of the statement made in paragraph No. 9 of the affidavit, since the State has conceded

that the Petitioner's private land deserve to be excluded from the notification declaring the same to be a protected forest, for declaration of this land as forest as defined under the Forest (Conservation) Act, 1980, the State Government is at liberty to follow such steps as are deemed necessary for such declaration. As far as the deletion of the entry of protected forest in terms of the notification is concerned, we grant three months time as requested in paragraph No. 9 of the affidavit.

The Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)