



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1856/2026

Janardan Kisan Giri and others

Vs.

The Union of India, through Ministry of Environment, Forest and Climate Change,
New Delhi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms Sapana S. Jadhav, Advocate for petitioners
Ms Mugdha Chandurkar, Advocate for respondent No.1 (thr. V.C.)
Shri PP Pendke, AGP for respondent Nos.2 to 8/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 09.03.2026

1. Heard learned Counsel for petitioners.
2. The petitioners are agriculturists who have approached this Court seeking a direction to the respondents to permit them to use the existing pathway through the forest land as an easementary right of way to access their agricultural land bearing Survey No. 9 through the said Reserve Forest.
3. The perusal of the petition reveals that the aforesaid prayer was made by the petitioners before the Tahsildar, Karanja, which was disposed of by order dated 04.03.2025, thereby directing the present petitioners to approach the competent authority, i.e. the Forest Department, for such relief.

4. The communication dated 23.07.2025 issued by the Divisional Forest Officer, Wildlife, Akola reveals that an inquiry was conducted by the aforesaid respondent on the basis of the application made by the petitioners. The said officer has advised the petitioners to submit an online proposal on the Parivesh Portal along with a hard copy and after obtaining the necessary permissions from the Central Government as well as the State Government, the aforesaid permission can be granted by the competent authority. The petitioners have approached this Court by filing the present writ petition. However, such compliance has not been made by the petitioners.

5. Learned Counsel for the petitioners has invited our attention to the representation dated 17.04.2025 submitted by the petitioners to the respondents, which is at record page No.76 (Annexure-E). The aforesaid representation, apart from raising the claim of access way, also makes an alternative prayer to the respondents for acquisition of the land and for allotment of alternate land so that they can earn her livelihood.

6. Since the aforesaid representation was not decided, a legal notice was also issued on 21.06.2025, which is at record page No.78 (Annexure-F). In response to the aforesaid notice, the communication dated 23.07.2025 was issued by the respondents.

7. The petitioners are the absolute owners and in lawful possession of various agricultural lands situated in

Survey No.9 at Mouza Waki, Taluka Karanja Lad, District Washim. In paragraph No.3 of the present petition, the petitioners have stated on oath that the boundaries of their agriculture fields are surrounded on three sides by the Reserve Forest and under the control of respondent No.3 and on one side, there is a river and thus they do not have access to their own agricultural fields. The right to access is an incident of ownership and cannot be denied without due process of law. Denial of access amounts to deprivation of property without authority of law, offending Article 300A of the Constitution of India. Thus, the contention is that the action of respondents of not granting permission to access the own agricultural land at Survey No.9 is resulting in huge financial and irreparable loss caused to the petitioners as the aforesaid agricultural land is their sole source of livelihood.

8. In view of the above, we dispose of the present writ petition with a direction to the petitioners to first comply with the requirements of law for securing access through the Reserve Forest land as directed in the communication dated 23.07.2025. If such an application is made by the petitioners in accordance with law, respondent No.5 shall consider the same on its own merits and decide within a period of eight weeks from the date of receipt of the order of this Court.

9. If respondent No.5 and the other competent authorities come to the conclusion that such access cannot

be granted to the petitioners, in that event, the respondents shall consider the alternative prayer made by the petitioners for acquisition of their lands, as contained in the representation dated 17.04.2025 at record page No.76 (Annexure-E).

10. The writ petition is accordingly disposed of.

R.S. Sahare

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)