



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

[Rule – 4(e) of the Bombay High Court Public Interest Litigation  
Rules, 2010]

PUBLIC INTEREST LITIGATION NO. OF 2012

In the matter of Forest  
(Conservation) Act 1980 ;

And

In the matter of Indian Forest Act,  
1927 ;

And

In the matter of Article 226 of the  
Constitution of India.

And

In the matter of Criminal Procedure  
Code 1973



And

In the matter of illegal removal of  
Reserved Forest by encroaching  
upon Reserved Forest and putting  
Reserved Land for non forest use.

And

In the matter of Prevention of  
Corruption Act 1988

Pune Environment Action Group,

A society registered under Society Registration Act 1860

With the office of the Joint Charity Commissioner,

Pune having registration number 795/2012/Pune, having its office at

9A, Allied heights Salunke Vihar Road, Pune-48 through it's

authorized member Capt. (IN) Pravin Singh Raghuvanshi, NM,

(Retd) , Age : Adult, Occu : Consultancy & Social service,

...PETITIONER



1. State of Maharashtra  
Through Chief Secretary  
Mantralaya, Mumbai - 32.
2. Principal Secretary,  
Revenue & Forest Department,  
Government of Maharashtra,  
Mantralaya, Mumbai.
3. Principal Chief Conservator of Forests (HOFF),  
Having office at Van Bhavan,  
Civil Lines, Nagpur.
4. Deputy Conservator of Forests,  
Pune Forest Division,  
Senapati Bapat Road,  
Pune.
5. The Chief Conservator of Forest (Central),  
MOEF Regional Office, Western Region,  
Kendriya Paryavaran Bhavan,  
Link Road No.3, E-5, Area Colony,  
BHOPAL (M.P.) 462 016.
6. Rajendra Mangarulkar, IFS  
Secretary, MPSC,  
Mumbai.
7. Mrs. Neela Satyanarayan, IAS  
Chief Election Officer, MS, New administrative Building,  
Mantralaya, Mumbai.
8. Mr. Bhupati Prasad Pande, IAS (Retd)  
Through Principal Secretary, GAD, Mantralaya, Mumbai





9. Mr Ashok Chavan,  
Ex Chief Minister of Maharashtra State through Principal  
Secretary to Hon'ble Chief Minister of Maharashtra State,  
Mumbai - 32

10. Mr. Chandrakant Joshi IFS,  
The then Principal Chief Conservator of Forests, MS,  
Van Bhavan, Civil Lines, Nagpur.

11. Mr. J.N. Saxena IFS,  
The then Principal Chief Conservator of Forests, MS,  
Van Bhavan, Civil Lines, Nagpur.

12. Symbiosis Society, Pune  
Through its Chairman, Dr. Shri. S.B. Majumdar  
Senapati Bapat Road, Pune

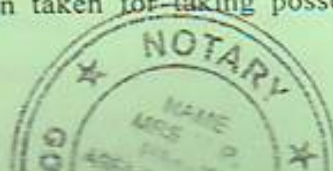
13. Union of India, Through Secretary  
Department of Home Affairs, New Delhi.

...RESPONDENTS

PUBLIC INTEREST LITIGATION PETITION

1. PARTICULARS OF CAUSE/ORDER AGAINST WHICH  
PETITION IS MADE

1. The Petitioner has filed the present petition thereby bringing to the notice of this Hon'ble Court the gross violation of provisions of Indian Forest Act, 1927 and Forest (Conservation) Act, 1980 by Respondent No.12 in collusion with Respondent Nos.1 to 10 herein by putting the Reserved Forest Land to non forest use and despite the fact that Lease given to Respondent No.12-Institute has been cancelled way back in the year 1999 and no steps have been taken for taking possession from the said Institute.



- II. The Petitioner also by the present petition intends to bring to the notice of this Hon'ble Court the grave abuse of powers by Respondent Nos.1 to 10 herein by stalling a criminal prosecution initiated under the Indian Forest Act, 1927 and Forest (Conservation) Act 1980, which are filed against Dr. S.B. Majumdar, President of Symbiosis Society for violation of the provisions of the Indian Forest Act despite there being no power to stay the said proceedings.
- III. The Petitioner also intends to bring to the notice of this Hon'ble Court the collusion between the officer of the Forest Department viz. Respondent Nos.6, 7, 8 & 10 thereby allowing to precipitate the offence committed by Respondent No.12 by not letting filing of the charge sheet in respect of criminal complaint filed by the Forest Officer against Respondent No.12 as a counter obligation to Respondent No.12 since, Respondent No.12 had favoured Respondent Nos.6 by giving admission to his (Respondent Nos.6) kin in the management course run by the Respondent No.12-Institute in management quota.
- IV. The Petitioner also seeks direction to Respondent No.12 to recall/cancel the Civilian Award of Padmashri and Padma Bhushan awarded to Dr. S.B. Majumdar on account of tenancy of Criminal Case and on account of day to day violation of the provisions of Indian Forest Act, 1927 and Forest (Conservations) Act 1980.
- V. The Petitioner also seeks direction to Respondent Nos.1 & 2 herein to initiate action against Respondent Nos.6 herein under the provisions of Prevention of Corruption Act 1988 as Respondent Nos.6 who had received favours from Respondent No.12 for not initiating action against Respondent No.12 in the form of admission to



his kin in the management quota of Respondent No.12 for violation of provisions of Indian Forest Act 1927 and Forest (Conservation) Act 1980.

## 2. PARTICULARS OF PETITIONER

The Petitioner is a Society registered with the office of Joint Charity Commissioner, Pune under the provisions of Societies Registration Act 1860. The Society has been registered vide Registration No.795/2012/Pune. The aim of the Society is to look into the matters relating to the environment in Pune Society and also aims on preventing loss to the environment. Hereto annexed and marked as EXHIBIT - "A" is the copy of Memorandum of Association of the Petitioner-Society.

## PARTICULARS OF RESPONDENTS

Respondent No.1 is the State of Maharashtra. Respondent No.2 is the Principal Secretary of the Revenue and Forest Department of Respondent No.1. Respondent Nos.3 to 10 are/were the officers serving under the Respondent No.1 - Revenue and Forest Department of the State of Maharashtra and at times serving with the Department of Revenue and Forest Department. Respondent No.12 is President of an educational Society, which imparts education and which has done violation of the provisions of the Indian Forest Act and Forest (Conservation) Act (hereinafter referred to as "said Acts" for the sake of brevity). Respondent No.12 is the Department of the Union of Indian, which has authority to confer Civilian award on the citizens of India and are amenable to the writ jurisdiction of this Hon'ble Court.

## DECLARATION AND UNDERTAKING OF THE PETITIONER

- (i) That the present Petition is being filed by way of Public Interest Litigation and Petitioner does not have any

personal interest in the matter. The Petition is being filed in the interest of citizens of Pune City which has been robbed of its Forest cover by high handed action of Respondent Nos.1 to 10 herein in collusion with Respondent No.12.

- (ii) That the entire cost including Advocate's fees and other charges are being borne by the Petitioner.
- (iii) That the Petitioner has conducted thorough research and has filed the present petition based upon documents, which are available on social site by named [www.corruptioninmaharashtra.com](http://www.corruptioninmaharashtra.com).
- (iv) That to the best of Petitioner's knowledge and research the issue involved in the petition has not been dealt with or decided and that similar or identical petition has not been filed earlier by it.
- (v) That the Petitioner has understood that in the course of hearing of the petition, Court may require any security to be furnished towards cost or any other charges and Petitioner shall have to comply with such requirements.

#### 5. FACTS IN BRIEF

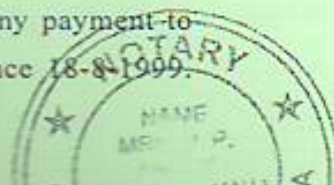
- (i) That Survey Nos.81 and 94 in village Bhamburda, District Pune had been declared to be reserved forest by Government Notification dated 1.3.1879, June 1890 and 8<sup>th</sup> August 1895. Thus even today Survey Nos. 81 & 94 are recorded as Reserved Forest in the records of Forest Department.
- (ii) The Petitioner states that on 07.10.1975, the Respondent No.1 granted Respondent No.12 an area admeasuring 3.26 Hectares of the Reserved Forest Land out of Survey No.81 on lease for a period of 50 years for the purposes of plantation. Hereto annexed and marked as



EXHIBIT - "B" is the copy of the grant by Revenue and Forest Department of the Respondent No.1-State dated 07.10.1975.

- (iii) The Petitioner states that by an Order dated 09-03-1978 0.84 Hectares of land, which was allotted to the Respondent No.1 was allowed to be used by Respondent No.12 for construction of Law College. The Petitioner states that vide Memo dated 21<sup>st</sup> May 1985, certain changes were ordered in the Original grant and Order dated 09-03-1978. The said alteration were that allotment of 0.84 Hectares for purposes of establishment of Law college was cancelled and instead .84 Hectares was allotted to Respondent No.12 in construction of Dr. Babasaheb Ambedkar Musical had usual terms. The other terms were that land was to be fenced, only 20% of the land was allowed to be used for construction and construction was to be approved from the Municipal Corporation. The area apart from 0.84 Hectares viz. 0.60 Hectares which was given to the Respondent No.12-Institute for purposes of plantation would remain with the Respondent No.12-Institute. The construction of Pagoda by the Respondent No.12-Institute on Survey No.81 would also remain with the Respondent No.12-Institute on lease and remaining land would be taken back from Respondent No.12-Institute by the Forest Department. Hereto annexed and marked as EXHIBIT - "C" is the copy of the Order dated 21<sup>st</sup> May 1985.

- (iv) The Petitioner states that in view of the provisions of the Forest (Conservation) Act 1980, the lease to the extent of 0.60 Hectares, which was given for plantation was cancelled. However till this date, no steps have been taken for recovery of those 0.60 Hectares of land. The respondent no. 12 is still enjoying 0.60 ha of one of the most expensive prime land without any payment to the Government viz Respondent no.1 since 18-8-1999.





Hereto annexed and marked as EXHIBIT – “D” is the copy of the termination notice issued by Deputy Conservator of Forest, Pune dated 18.8.1999 addressed to Respondent No-12.

- (v) The Petitioner states that despite cancellation on lease and despite the provisions of Forest (Conservation) Act and Indian Forest Act, the Respondent No.12 removed boundary and encroached on the adjoining Reserved Forest in Survey Nos.81 & 94. As a result of said action, Primary Offence Report (P.O.R.)/F.I.R. No.0/11/2003-2004 dated 27.06.2003 was registered by the Round Officer Bamburde, Pune against President of Respondent No.12-Institute Dr.S.B. Majumdar under the provisions of Section 26 of the Indian Forest Act 1927 and on account of violation of Forest (Conservation) Act 1980. Despite filing of this POR, no enquiry was conducted and no charge sheet has been filed even till today. Hereto annexed and marked as EXHIBIT – “E” is the copy of the FIR lodged against Respondent No.12 dated 27.6.2003.
- (vi) The Petitioner states that as per the report dated 26-8-2010 submitted by Chief Conservator of Forests, Pune to Nodal officer, Nagpur, that after the POR/FIR dated 27-6-2003 was registered against Symbiosis Institute. In order to regularize the offence, Respondent No.12 submitted a proposal dated 25-06-2003 for using forest land for non forest purpose to the Deputy Conservator of Forests, Pune under the provisions of Forest (Conservation) Act 1980. The then Deputy Conservator of Forests rejected the said proposal, however the said proposal was again submitted on 05<sup>th</sup> March 2004 with the Deputy Conservator of Forests, Pune. The said proposal was resubmitted by the office of the Deputy Conservator of Forests, Pune vide letter dated 05-03-2004 to CCF Pune. Hereto annexed and marked as



EXHIBIT - "F" is the copy of the letter of CCF Pune dated 26-8-2010.

(vii) The Petitioner states that even before the Government of India accorded its sanction under the Forest Conservation Act 1980, Respondent No.12 chain linked fenced and concretized the Reserved Forest area and also encroached Reserved Forest Land in Survey Nos.81 & 94 of the Bhamburde village. As a result of said act, another F.I.R. (POR) bearing No.4/2005-2006 was registered on 11.06.2005 against Symbiosis Institute under the provisions of Section 26 of the Indian Forest Act and Section 2 of the Forest Conservation Act 1980. Hereto annexed and marked as EXHIBIT - "G" is the copy of the F.I.R. No.4/2005-2006.

(viii) The Petitioner states that Respondent No.12-Institute had sought permission for using part of S.Nos.81 & 94 for parking and plantation. The said proposal was made with the Ministry of Forest. Hereto annexed and marked as EXHIBIT - "H" is the copy of the proposal dated 05-05-2005. The said proposal was then considered by the Deputy Conservator of Forests, who rejected the same on 14-06-2005 principally on the ground of violation of provisions of Indian Forest Act and Forest Conservation Act and on account of FIR being lodged against Respondent No.12. Hereto annexed and marked as EXHIBIT - "I" is the copy of the Order passed by Deputy Conservator of Forests dated 14-06-2005.

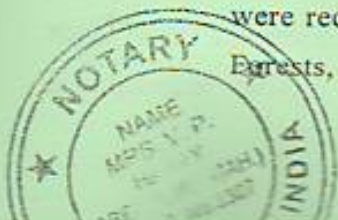
(ix) The Petitioner states that investigation was carried out pursuant to the FIR and a report was submitted by Investigation Officer to the Chief Conservator of Forest-cum-Nodal Officer, Maharashtra State for Nagpur for his approval. Nodal Officer vide is Letter dated 13-06-2006 was pleased to grant permission to the charge



sheet against Respondent No.12 in the Court of Judicial Magistrate First Class, Shivaji Nagar Court, Pune for offence committed u/s.26(f)(h), 63(a) of the Indian Forest Act and pursuant to the permission granted by Chief Conservator of Forests the then Deputy Conservator of Forests, Pune directed Range Forest Officer Bhamurda to file charge sheet in the Court of Judicial Magistrate First Class, Pune. Hereto annexed and marked as EXHIBIT - "J" is the copy of the sanction granted by the Chief Conservator of forests dated 13.06.2006 and EXHIBIT - "K" is the copy of the Order passed by Deputy conservator of Forests directing Range Officer to file charge sheet against Respondent No.12.

- (x) The Petitioner states that Respondent No.12 thereafter made a representation to the Forest Department, Mantralaya, Mumbai on 10-07-2006 and sought stay to the filing of charge sheet based upon the said letter, Respondent No.6 herein advised Respondent No.7 herein to stay the criminal proceedings till the Principal Conservator of Forests gives opinion on the representation made by Dr. Majumdar, President of Respondent No.12-Society. Immediately on the basis of said representation it appears that on the same day without any authority, the Respondent No.7 passed an order of staying all criminal proceedings. Hereto annexed and marked as EXHIBIT - "L" is the copy of the Notings from the filing of Department of Forest, which would indicate that criminal proceedings are stayed by executive order. The said notings also has proposal by Respondents No.6 & and approval by Respondent no. 7.

- (xi) That it is very interesting to note that when directives were received by the office of the Chief Conservator of Forests, Pune from the office of the Principal Chief





Conservator of Forests to file charge sheet in the matter ( Exhibit-J) vide letter dated 13-6-2006, as per Exhibit , the accused, Dr Majumdar against whom the offence was registered, had represented to the Government vide his letter dated 10-7-2006 to stay the criminal proceedings against him. The Desk officer Mr Malandkar had put up the file on 24<sup>th</sup> July 2006 to the Rajendra Mangarulkar , the then Joint Secretary, Forests. Mr Mangarulkar, who is the same person, who had refused to renew the lease of this impugned forest land given to Symbiosis Institute in the year 1999 ( Exhibit -D) had recommended to the Principal Secretary Forests, Mrs Neela Satyanarayan to stay all further proceedings till they receive comments from the PCCF, Nagpur on the representation made by the accused person. He had submitted the file to the Principal Secretary Forests on 24 July 2006 itself. With express speed on 25<sup>th</sup> July 2006 Neela Satyanarayan Principal Secretary Forests had approved the file by simply signing the file . The file came back to Mr Mangarulkar on 25<sup>th</sup> July 2006 itself, who signed the file and sent it back to Mr Malandkar on 25<sup>th</sup> July 2006 itself. Mr Malandkar with the express speed had resubmitted the file to the Mangarulkar again on 25<sup>th</sup> July with draft letter ordering to stay all court proceedings against accused. The file was approved by Mr Mangarulkar on 25<sup>th</sup> July itself by amending the draft. Finally with the jet speed on 25<sup>th</sup> July itself under secretary Forests , Mr Malandkar had issued the letter staying all court proceedings. The copy of said stay order was given to accused , Mr Majumdar. The stay letter dated 25<sup>th</sup> July 2006 is annexed herewith as Exhibit M.

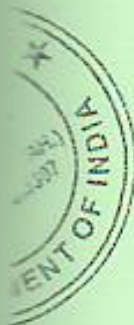
- (xii) The Petitioner states that said Respondent No.6 hastily got all these acts done as the daughter of Respondent No.6 was admitted in Symbiosis Institute for the management course in the year 2005-2006 and this



admission was not on merit but in the management quota. It is on account of return of obligation (quid Pro quo) of admitting daughter of Respondent No.6, Ms Neha Mangarulkar that Respondent No.6 got Respondent No.7 the then Principal Secretary viz. Mrs Neela Satyanarayan to stay criminal proceedings. The Petitioner states that the said fact that daughter of Respondent No.6 had taken admission in the MBA Course held by Respondent No.12-Institute is clear from the letter issued by President of Respondent No.12 himself. Hereto annexed and marked as EXHIBIT - "N" is the copy of the letter dated 19-02-2010 issued by Shri. S.B. Majumdar, President/Secretary of Respondent No.12 informing that year 2006-2008 daughter of Rajendra Mangarulkar was admitted in the management quota.

(xiii) The Petitioner states that despite the fact that there is no provision for staying criminal prosecution except by competent courts, the Minister or Chief Minister was not appraised of the said position. Thus there is interference in the administration of criminal justice system. Even the Chief Conservator of Forests, Pune did not proceed with the enquiry as per the proposal submitted by Dr. Majumdar referred to above.

(xiv) The Petitioner states that in the meanwhile at the instance of Revenue and Forest Ministry the then Deputy Conservator of Forests Shri. Ashok Khadse had issued a letter dated 02<sup>nd</sup> August 2006 that for regularization under the Forest Conservation Act, Respondent No.12-Institute ought to have given Bank Guarantee of Rs.7,21,00,000/- as a cost of 0.7446 Hectares of Forest Land if they wanted to get their proposal for clearance under the Forest Conservation Act. The Petitioner states that said proposal was also for a lesser amount as the cost on that day would have

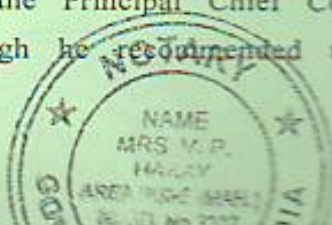




been more than Rs 45 crores. Hereto annexed and marked as EXHIBIT - "O" is the copy of the letter issued by Deputy Conservator of Forest to Respondent No.12 dated 02-08-2006. The Petitioner states that despite the letter by Deputy Conservator of Forests asking Respondent No.12 to submit Bank guarantee of Rs.7.21 crores and odd Respondent No.6 caused to forward proposal under the Forest Act to the Union of India and got the said valuation of the land fixed at Rs.7.62 lakhs only with the help of Respondent no. 6. Thus it is clear that Respondent No.6 on account of counter obligation intentionally caused the proposal to reduce for regularization reduced to Rs.7.62 lakhs as against 7.21 crores. This is nothing but an act punishable under the Prevention of Corruption Act, 1988.



- (xv) The Petitioner states that one Mr. Manish Singh had filed a complaint to the Respondent Nos.1 & 2 herein on 20-10-2010 for irregularities in the same matter. The Desk Officer thereafter put up the file to the Joint Secretary, who observed that Since Supreme court had appointed an SIT to look into transfer of Forest land in Pune for non forestry purpose and this case falls under category for SIT domain hence the stay granted by the Government to the prosecution process by order dated 25-07-2006, should be lifted and proposal submitted by the State Government to Government of India for clearance under the Forest conservation Act be recalled and be put to SIT's scrutiny. The Petitioner states that Respondent No.8 herein, who was then Additional Chief Secretary of the Forest Department overruled lifting of the stay on prosecution process and commented that decision should be taken only after the comments are received from the Principal Chief Conservator of Forests. Though he recommended that proposal





submitted under FC Act to Government of India be called back and put to the scrutiny by SIT. The Learned Minister for Forests only approved the withdrawal of FC Act proposal and putting it to in the domain of SIT but he did not take any decision on lifting of stay on prosecution process. However, Shri. Ashok Chavan the then Chief Minister overruled Learned Minister recommendation and decided against lifting of the stay on court proceedings and for calling back proposal submitted by state government to Government of India under Forest conservation Act 1980. Hereto annexed and marked as EXHIBIT - "P" is the copy of the Noting from the file of the Respondent No.2 Ministry of Forests along with remarks of the concerned officer and that of the Learned Chief Minister.

(xvi) The Petitioner states that Desk Officer again on 08-11-2010 resubmitted the file to the new Chief Minister Shri. Prithviraj Chavan. However though action proposed was seconded by Joint Secretary, Principal Secretary and Forest Minister, it is learnt that Learned Chief Minister has not cleared lifting of the stay for almost 1 ½ years and no action has been taken. Hereto annexed and marked as Exhibit-Q COLLY are the copies of the file of Respondent no. 2 , Ministry of Forests.

(xvii) The Petitioner states that Respondent No.9, who was supposed to make report pursuant to the order by respondent no. 2 in the year 2006, did not submit the report till Shri. Ashok Chavan was Chief Minister, it is only when Shri. Ashok Chavan ceased to be the Chief Minister that Respondent No.9 has filed his report. Hereto annexed and marked as EXHIBIT - "R" is the copy of the report filed by Learned Respondent No.9.





(xviii) In the said report also, the Respondent No.9, who was the Head of the Forest department of Maharashtra ( an officer of the rank of Chief Secretary ) made suggestion

- (i) to refer the matter to SIT for further investigation , which may also look into role of who were responsible for suggesting/proposing diversion of the said land at a throw away price by reducing its monetary value from prevailing market price to NPV.
- (ii) Further, It is clearly mentioned in the report of respondent no. 9 that there has been encroachment by the Respondent No.12 and there is omission on the part of Respondent No.6 to take appropriate steps.

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(xix) The Petitioner states that when the lease agreement was sanctioned in the year 1975, an area of 3.26 Hectares reserved forest was handed over to Respondent No.12. Out of 3.26 Hectares an area of .84 hectares was deforested for construction of Law college of Respondent No.12-Institute. The said deforested land was ordered to be transferred to the Revenue Department, but the same was modified by Order dated 21-05-1985 as stated above and land was to be used for plantation purpose only, however there is non-compliance of the same.

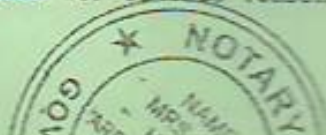
(xx) The said lease deed given to Respondent No.12 was cancelled on 18-08-1999 and that was pursuant to the provision of Section 2(3) of the Forest Conservation Act 1980. After cancellation of the lease, no steps have been taken to take possession of the lease land from Respondent No.12-Institute. Thus Respondent Nos.2 to 10 though were in the position to take position did not do the same obviously with an oblique motive to favour Respondent No.12.





(xxi) The Petitioner states that vide Government Order dated 21-05-1985 Original lease was modified and certain area was allowed to be retained on certain conditions, however balance area of 1-H 82-R was to be taken back by the Forest Department, however till today 1-H 82-R forest still lies with the Respondent No.12 and no steps have been taken by Respondent No.2 to take possession of the same. This is obviously with an oblique motive to favour Respondent No.12 by getting favour from Respondent No.12. The Petitioner states that Order dated 31-05-1985 certain conditions were laid while executing lease document. The important condition was that the land was not to be used for any other purpose than planting trees and that in case land was not used for the purposes it was leased, the lease was to be terminated. Despite the fact that land was not used for plantation purposes and was used for purposes other than plantation. Respondent ought to have taken immediate possession from Respondent No.12-Institute, however same has not been done.

(xxii) The Petitioner states that Shri. S.B. Majumdar, who is President of Respondent No.12-Society was booked for offences under the Indian Forest Act and Forest (Conservation) Act, which was therefore necessary to inform Respondent No.12 about the pendency of the Criminal Proceedings against S.B. Majumdar. Apart from the said fact that complaints are pending, there is day to day violation of provisions of the Indian Forest Act and Forest (Conservation) Act, had the said facts known to Respondent No.12 would not have bestowed upon the said Majumdar Prestigious Civilian Award of Padmashri and Padma Bhushan. Thus officials of Respondent No.2-Department have not informed the pendency of the Criminal Proceedings against Shri.S.B. Majumdar for obvious reason to the Government of India.

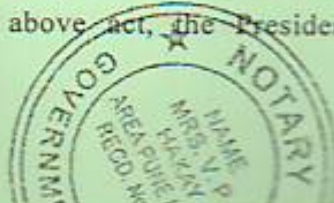




(xxiii) The Petitioner states that Respondent Nos.2 to 10 herein are bent upon to regularize the illegalities committed by Respondent No.12 and are intending to part with the land allotted to Respondent No.12-Institute by accepting a meager price as against huge market price which as on today would go into several 100 crores. Thus it is abundantly clear that this has done with an oblique motive for obtaining favour from Respondent No.12-Institute. In fact the report by Respondent No.9 would indicate that it has raised concern about the decision to reduce rate which would be offered Respondent No.12 for regularization and said decision was taken by Respondent No.6 in collusion with other officers and said act amounts to corruption as envisaged under the Prevention of Corruption Act 1988.

(xxiv) It ought to have been appreciated that every time there is breaking of soil, cutting of trees and/or trespassing it becomes separate offence under the Indian Forest Act and under the Forest (conservation) Act. Respondent No.12 - Institute has been indulging in the said illegal activities day in and day out for which separate offences ought to have been registered. However, with oblique motive as stated above now that Respondent No.6 is in the helm of the affairs of Forest Department of other officers, the same has not been done.

(xxv) It ought to have been appreciated that though Forest area is given on lease to private party, it does not change the status as a Reserved forest land, only by way of notification can a Central Government can de reserve the same. Thus every time there is infringement of soil breaking, trees cutting or boundaries are altered, same constitute offence. The said offences are cognizable, non-bailable, non compoundable. Thus every time there was any of the above act, the President and other





**Managing Committee Members of the Respondent No.12-Institute ought to have been booked.**

(xxvi) It is pertinent to note that property involved in the present PIL lies just opposite to the office of the Deputy Conservator of Forests, Pune division. Respondent No.6 was Deputy Conservator of Forests for almost 4 years and he did not take any action against violation as is obvious that he gained undue favours of securing admission to his daughter in Respondent college run by the Respondent No.12-Institute.

(xxvii) It ought to have been appreciated that FIR which is lodged in the year 2003 is u/s.63 of the Indian Forest Act 1927 and same is non compoundable offence. The said offences can only be tried in the Court of Law and Government cannot stall the said proceedings, however till today, no action has been taken to pursue FIR of the year 2003.

(xxviii) It ought to have been appreciated that Chief Conservator of Forest, Nagpur had also granted permission to file charge sheet, however action has not been taken on account of stay granted by Respondent No.7 and which action has been allowed to be precipitated by the Chief Minister by not allowing to file charge sheet. This is obvious that same has been done with an intention to favour Respondent No.12 for gaining undue favour from Respondent No.12.

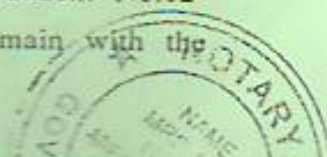
(xxix) The Petitioner states that there is serious lapse on the part of Respondent Nos.1 to 10 herein from not taking any action against Respondent No.12-Institute and not taking back the land from the Respondent No.12-Institute. The said acts of Respondent Nos.1 to 12 ought to be therefore investigated for offences under the Prevention of Corruption Act and independent enquiry requires to be initiated.





(xxx) The Petitioner states that Apex Court has time and again expressed its concerns over depleting Forest cover in the State of Maharashtra especially within the Western Region. The fact that allotment to Respondent No.12-Institute was a Reserved Forest land and only for the purposes of land conservation, the same has been used for the purposes other than plantation and forest purposes. Thus, there is a clear breach of provision of Indian Forest Act and Forest (Conservation) Act. Thus inaction on the part of Respondent Nos.1 to 10 herein to prosecute Respondent No.12 for the violation and to resume the land back from Respondent No.12-Institute clearly speaks of undue favours and something more than meets the eye. The Petitioner states that inaction on the part of Respondent Nos.1 to 10 herein clearly falls short of expectation of public, who is helplessly watching gross violation of law relating to the Forest on account of lop sided and lethargic approach of the Respondent Nos.1 to 10 herein. The Petitioner further states that the fact that prosecution against President of Respondent No.12 is stayed by a executive fiat though there is no such power given to Government to stay prosecution is nothing but gross abuse of the position and mockery of justice. The fact that land is now sought to be regularized and is being offered for peanuts to Respondent No.12 as against its market value clearly speaks of malafides and favouritism in Government official for which an enquiry ought to be initiated and guilty ought to be booked under the Prevention of Corruption Act 1988.

(xxxi) The Petitioner states that it is surprising to note that though lease is terminated way back in the year 1999 till today, Respondent Nos.1 to 10 have not taken any action to recover land from the Respondent No.12-Institute, even surplus land which remain with the





Respondent No.12-Institute being the initial allotment still remains with the Respondent No.12-Institute, who has day in and day out breached the provision of law relating to Forest and have committed the offences under the said acts.

(xxxii) The Petitioner states that what is shocking is that the Ld.Chief Minister though himself a law graduate has not lifted the stay and for reasons best known has not taken any actions on the reports filed by the concerned department.

(xxxiii) The petitioner states that Government land which is reserved for forest rather is a forest land has been used free as lease has been terminated long back in 1999,as stated above. However respondent no 12 is using the same for non forest use free of cost without a single penny being paid to the exchequer. It was the duty of respondents to recover penal rent from respondent No.12 after the termination of lease which the Respondents have miserably failed to do. Thus the exchequer has been robbed by respondent No. 12 of its legitimate dues which in turn is loss to the public.

(xxxiv) Further it also ought to have been appreciated that Respondent no. 11 was also Principal Chief Conservator of Forests, Maharashtra state during the relevant period, but he did not initiate any action in this matter.

6. The Petitioner thus has approached this Hon'ble Court thereby seeking direction to the said Respondent Nos.1 to 5 herein to forthwith take possession of the land in Survey No.81 & 94 situated at village Bhamburde, District Pune from Respondent No.12 on account of breach of the lease and on account of violation by Respondent No.12-Institute. The Petitioner states that stay which has been granted by Respondent Nos.6 & 7 and



is precipitated further by continuance of the same by the then Chief Minister of Respondent No.1 be immediately be lifted and President of Respondent No.12-Institute who is Chairman forthwith be prosecuted.

7. The Petitioner also states that an enquiry against erring officials especially Respondent Nos.2. to 10 herein for not taking any action against the President of Respondent No.12 – Institute or against Respondent No.12-Institute for violation of Forest Law should be directed to be held by an independent Investigation Agency and they may kindly be booked by an offence under the Prevention of Corruption Act.

8. ANY REPRESENTATION ETC MADE

No representation has been made, as the department itself has moved the concerned authorities which reports are biting dust in the office of the Ld.Chief minister.

DELAY, IF ANY, IN FILING THE PIL

There is no delay in filing the present Public Interest Litigation.

DOCUMENTS RELIED UPON

The document annexed with the present petition are mentioned in Exhibits "A" to "R" annexed herewith.

11. The Petitioner craves leave to add to alter, amend and/or delete any of the foregoing paras as and when found necessary.
12. The Petitioner has not filed any other petition, revision, application and/or appeal either before this Hon'ble Court or any other Court in India touching the subject matter of this Public Interest Litigation.





13. The Petitioner states that proper and requisite Court fee is paid to this Public Interest Litigation.

14. CAUSE OF ACTION

The cause of action has arisen at Mumbai and therefore this Hon'ble Court has jurisdiction to entertain the present petition.

14A INTERIM RELIEF AS PRAYED FOR

The Petitioner is praying for interim relief that pending hearing and final disposal of the present PIL, the Respondent No.12 may be restrained from carrying out any activities of whatsoever nature of Forest land more particularly described in Survey Nos.81 & 94 of village Bhamburde, Dist. Pune. The Petitioner states that Respondent Nos.1 to 10 herein be further restrained by an order of injunction from granting permission to Respondent No.12 to carry out any activities in the land bearing Survey No.81 and 94. The Petitioner states that if interim relief as sought for is not granted, the Respondent No.12 would change any of the forest land thereby causing loss to the residents of Pune City who will be robbed of green cover which would affect their fundamental right to life. If the interim relief as sought for is granted, no irreparable loss is likely to be caused to the Respondents.

15. RELIEFS PRAYED FOR :

a. This Hon'ble Court be pleased to issue Writ of Mandamus or any other writ, order or direction thereby directing Respondent Nos.1 to 10 herein may forthwith recover land which are in access to lands leased to Respondent No.12-Institute pursuant to the Orders dated 07-10-1975, 09-03-1978 and 21-05-1985.

b. This Hon'ble Court be pleased to issue Writ of Mandamus or any other writ, order or direction thereby directing Respondent No.1 to 10 herein to forthwith





recover of the land allotted to Respondent No.12-Institute pursuant to an Orders dated 07-10-1975, 09-03-1978 & 21-05-1985 on account of breach of terms and conditions of the grant by the Respondent No.12, and especially after termination of lease in the year 1999.

- c. This Hon'ble Court be pleased to issue Writ of Certioari or any other appropriate writ, order or direction thereby calling for Record and Proceedings from the office of Respondent No.2 in respect of allotment of Survey No.81 & 94 of village Bhamburde Dist. Pune to Respondent No.12-Institute.
- d. After calling for record and proceedings from the office of Respondent No.2 this Hon'ble court be pleased to examine the legality, validity and propriety of the Order passed by Respondent Nos.6 & 7 thereby staying criminal proceedings (Exhibit "L" and "M" to this Petition) against President of Respondent No.12-Institute viz. Dr. S.B. Majumdar and further be pleased to examine the legality of the order passed by the then Learned Chief Minister Ashok Chavan for refusing to lift stay granted by Respondent No.6 and (Exhibit "P" to this Petition).
- e. After examining the legality, validity of the aforesaid Orders (Exhibit "L" and "M" to this Petition) this Hon'ble Court be pleased to quash and set aside the same as the same is without jurisdiction.
- f. That this Hon'ble Court may be pleased to issue Writ of Mandamus or any other order or direction to Respondent Nos.1 to 10 herein to forthwith to file charge-sheet against President of Respondent No.12 and other Directors of Respondent No.12-Institute under the provisions of Indian Forest Act 1927 and Forest Conservation Act pursuant to the FIR No.4/2005-2006 and further be pleased to direct Respondent Nos.1 to 10



herein to forthwith expedite the process of investigation of FIR filed in the year 2003-2004 bearing (P.O.R.) F.I.R. No.0/11/2003-2004 dated 27.06.2003

- g- This Hon'ble Court further be pleased to direct Respondent No.13 to hold an independent enquiry through an independent Investigation Agency like Central Bureau of Investigation against erring officials of Respondent Nos.1 to 10 herein for allowing gross misuse of and non exercise of powers against Respondent No.12-Institute and its Directors and/or Trustees for violation under the Indian Forest Act and Forest Conservation Act and lodge proper proceedings against the provision of Prevention of Corruption Act.
- h. That this Hon'ble Court may be pleased to issue Writ of Mandamus or any other order or direction to Respondent Nos.1 to 10 herein to forthwith recover rent at today's market value along with Penal interest from respondent No.12 for unauthorized, illegal use of forest land despite termination of lease.
- i. This Hon'ble Court be pleased to issue writ of Mandamus or any other direction thereby directing Respondent No.12 to forthwith withdraw and/or recall/cancel the Civilian Award of Padmashri and Padma Bhushan conferred upon President of Respondent No.12 viz. Dr. Shri. S.B. Majumdar on account of two criminal cases pending against him and on account of day to day blatant violation of the provisions of Indian Forest Act 1927 and Forest Conservation Act, 1980.

16. INTERIM ORDER, IF PRAYED FOR

Pending hearing and final disposal of the present PIL, the Respondent No.12 may be restrained from carrying out any



activities of whatsoever nature over the Forest land more particularly described in Survey Nos.81 & 94 of village Bhamburde, Dist. Pune.



17. CAVEAT

No caveat notice has been received till today in respect of the present subject matter.



VERIFICATION

I, Capt (IN) Pravin Singh Raghuvanshi, NM, (retd), the Petitioner abovenamed do hereby state and solemnly affirm that what is stated in paragraph Nos.1 to 5 are the facts true to the best of my knowledge and what is stated in the paragraphs No.6 to 14 are based on information and legal advise and I believe the same to be true and para No.15 contains my humble prayers.

Solemnly affirmed at Pune on  
This 11<sup>th</sup> day of August, 2012 .

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]

Deponent

Identified by me.

BEFORE ME

MRS V. P. HAKAY  
NOTARY GOVT. OF INDIA  
PUNE

Advocate for the Petitioner

Noted And Registered  
at Serial Number... 6711/10

11/8/12  
11 AUG 2012

