

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3270 OF 2019

MULA EDUCATIONAL SOCIETY

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

RESPONDENT(S)

O R D E R

The learned counsel for the appellant has drawn our attention to the additional documents enclosed with the affidavit dated 30.09.2022. As per the appellant, the land in question was de-reserved as forest land way back in the year 1935 under the Indian Forest Act, 1927. The learned counsel for the State of Maharashtra, however, is unable to guide us on the said aspect as he has not been able to get the instructions. Similar plea is also raised by the learned counsel appearing for Rajendra Digambar Aagale, respondent no.2, on whose complaint/application the impugned order dated 01.03.2019 was passed by the National Green Tribunal, Principal Bench, New Delhi (NGT).

It is also an accepted and agreed position that the impugned order dated 01.03.2019 was passed without giving notice to the appellant, namely, Mula Education Society, which claims that it has been running the educational institution on the said land for over

30 years. It claims having perpetual lease hold rights on the land.

In view of the aforesaid position, we set aside the impugned order dated 01.03.2019 and remit the matter to the NGT for fresh decision without being influenced by the earlier order. However, the pleadings and the reports received by the NGT can be taken into consideration and will form part of the record. Equally, the appellant before us, namely Mula Education Society, would be entitled to file pleading, reply and documents, including the documents relied upon by them before this court. These, that is, reply and documents, may be filed before the NGT within a period of six weeks from today.

Recording the aforesaid, the appeal is allowed, and the impugned order dated 01.03.2019 is set aside. We clarify that the observations made in this order are for disposal of the present appeal. The NGT will examine the issues and contentions on merits without being influenced by any observation in the present order.

To cut short delay, parties are directed to appear before the NGT on 08.12.2022.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
NOVEMBER 23, 2022.

ITEM NO.105

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S). 3270/2019

MULA EDUCATIONAL SOCIETY

APPELLANT(S)

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THE STATE OF MAHARASHTRA & ANR.

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(IA No. 107526/2019 - CLARIFICATION/DIRECTION, IA No. 41292/2019 - EX-PARTE STAY, IA No. 41293/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 148606/2022 - EXEMPTION FROM FILING O.T., IA No. 41296/2019 - EXEMPTION FROM FILING O.T., IA No. 41290/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 148601/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 43234/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-11-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

M/S. Karanjawala & Co., AOR

For Respondent(s)

Mr. Amol B. Karande, AOR
Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Singed order is placed on the file)