

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10139 OF 2019**

Maruti Dnyandev Maskar & Ors.Petitioners

Vs.

The Secretary,
Ministry of Environment and Forest
and Climate Change,
Central Government of India & Ors.Respondents

Mr. Irfan Shiakh with Mr. Abdul Hamid Shaikh, i/b. Ms. Huma Shaikh, for the Petitioners.

Mr. Vijay Killedar (Through VC) with Mr. Shivraj Jagadale, for the Respondent No.1-UOI.

Mr. Atul P. Vanarase, AGP, for the Respondents-State.

Mr. Kiran Yadavrao Mane, Range Forest Officer, Dhebewadi Chandoli Wildlife Division, STR, Karad is present.

CORAM: ANIL L. PANSARE,

RANJITSINHA RAJA BHONSALE, JJ.

DATED: 20th APRIL 2026

PC.:-

1. Heard for some time to find that the State Government is extremely casual in dealing with the issue involving protection of life of villagers. As noted in previous order, the State Government has on 17th July 2025 taken a decision, as a special case, to relocate the residents of village Kasani, Taluka-Patan, District-Satara, which comprises of eight hamlets (*wadis*) having population 1500 as on 23rd December 2021.

2. We have gone through the decision so taken. The Hon'ble Minister has issued four directions. The first is to examine whether these hamlets could be included in 'Koyana Wildlife Sanctuary'. The second direction depends upon the answer to first direction, wherein it is proposed that if the aforesaid area could be included in 'Koyana Wildlife Sanctuary', necessary proposal to declare it as extension of 'Koyana Wildlife Sanctuary' should be sent to appropriate authority. The third direction is for issuance of notification in this regard and the fourth direction is to take action of relocation once the notification is issued. The Officers responsible to take decision are the Principal Chief Conservator of Forest (Forest Force), Maharashtra State, Nagpur, the Principal Chief Conservator of Forest (Wild Life), Maharashtra State, Nagpur, the Conservator of Forest, Territorial, Kolhapur, the Collector, Satara and also the Director of Sahyadri Tiger Reserve, Kolhapur. When enquired, the learned AGP is clueless as regards the steps taken by these authorities in respect of the directions given by the Hon'ble Minister.

3. Thus, on paper, the Government has taken note of the difficulties faced by the villagers and found that they should be

relocated. Necessary directions were given to the highest authorities of the Forest Department, however, no step of whatsoever nature has been taken in this regard.

4. We accordingly call upon these officers to show cause as to why appropriate action should not be recommended against them for failure to protect the life of the villagers of the hamlets noted in the minutes of meeting dated 17th July 2025.

5. We may draw attention of the Respondents to Section 38V of the Wildlife Protection Act, 1972 (**‘the Act’**), which provides for ‘Tiger Conservation Plan’. Sub-section (4) of Section 38V of the Act reads as under :

“(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation. - For the purposes of this section, the expression "tiger reserve" includes-

(i) core or critical tiger habitat areas of National Parks and

sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (i) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wild life and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.”

6. Thus, the State Government, while preparing a ‘Tiger Conservation Plan’, is under obligation to ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve. The Explanation provides that ‘buffer or peripheral area’ will fall within the meaning of ‘Tiger

Reserve'. There is no dispute that the *wadis* mentioned above fall within the buffer zone. That being so, we do not find any reason why should State Government not ensure the agricultural, livelihood, developmental and other interests of the peoples like Petitioners.

7. Sub-section (5) of Section 38V of the Act provides for voluntary relocation on mutually agreed terms and conditions. The Petitioners are willing for relocation, rather is their dier need, considering the risk to their life. The willingness of State is the concern but the delay is putting the lives of the villagers in jeopardy. We expect State Government to be sensitive in the matter and deal with the issue as expeditiously as possible.

8. At this stage, Mr. Killedar, counsel for Respondent No.1-UOI submits that the Deputy Conservator of Forest and Collector, Satara had successfully relocated the villagers of village Vele situated in Taluka Jawali, District Satara, which falls under 'Sahyadri Tiger Reserve' comprising of area of Chandoli National Park and Koyana Wildlife Sanctuary. The notification to that effect has been issued on 21st August 2012.

9. There is no dispute that the *wadis* under question fall within the area of Koyana Wildlife Sanctuary. That being so, there appears no reason why should the work of relocating the villagers of the above *wadis* be not completed in short span of time.

10. Mr. Killedar seeks permission to place on record the documents pertaining to relocation of villagers residing in village Vele, which can be taken aid of to facilitate relocation of the villagers under question. Permission granted.

11. Mr. Kiran Yadavrao Mane, RFO is present. Thus, in the matter of the lives of villagers, the Principal Chief Conservator of Forest has thought it proper to depute the lower rank officer to attend the Court. We expect the authorities of the higher level to share the responsibility.

12. Stand over on **22nd April 2026**, for further consideration.

(RANJITSINHA RAJA BHONSALE, J.)

(ANIL L. PANSARE, J.)

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