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Swacch Association, Nagpur Vs.
The State Of Maharashtra & Ors.
[2025 INSC 1199]

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[2025 INSC 1296]



Whether the Futala Lake (Futala Tank) in Nagpur qualifies as a 'wetland' under the Wetlands (Conservation & Management) Rules, 2017, thereby prohibiting recreational constructions and activities on site, and whether the Doctrine of Public Trust applies?

CONTEXT: The Swacch Association, an organisation focused on environmental promotion, filed a challenge to overturn a Bombay High Court judgment. The dispute centered on grievances against the construction of a Viewer's Gallery, Parking Plaza, and the installation of recreational facilities, including a Musical Fountain and artificial Banyan Tree, in and around the Futala Lake (Futala Tank) in Nagpur. The appellant contended that the lake was a protected 'wetland' under the Wetlands (Conservation & Management) Rules, 2017 and that the constructions violated environmental norms and the Doctrine of Public Trust. Conversely, respondents asserted that all projects had necessary permissions, including sanctions from the Heritage Committee, as the tank is a Grade I heritage structure.

1 The present appeal was dismissed. The Supreme Court upheld the High Court's judgment and directions. The Futala Lake, constructed in 1799 for irrigation and drinking water purposes, is a man-made waterbody. The definition of 'wetland' in the 2017 Rules explicitly excludes human-made waterbodies and tanks constructed specifically for irrigation or drinking water purposes.

2 Therefore, the lake does not fall within the statutory definition of 'wetland' under Rule 2(1)(g). Furthermore, the artificial Banyan Tree structure was held not to be a permanent structure, as it is removable and not affixed to the tank bed.

3 However, drawing on the precautionary principle and the Doctrine of Public Trust, enunciated in ***M.C. Mehta vs. Kamal Nath & Ors. [(1997) 1 SCC 388]***, which extends to man-made waterbodies, the Court reiterated the High Court's direction that the spirit of the Rules must be respected, and no construction of a permanent nature should be undertaken within the lake to protect its ecological balance.

**SWACCH ASSOCIATION,
NAGPUR VS. THE STATE
OF MAHARASHTRA &
ORS.**

[2025 INSC 1199]

**WETLANDS
(CONSERVATION &
MANAGEMENT) RULES,
2017**

**ARTICLES 48-A AND 51-
A OF THE
CONSTITUTION OF INDIA**

Whether directions for the automatic vacation of interim stay orders granted by High Courts upon the expiry of a fixed period, and for mandatory time-bound disposal of such cases, can be issued in the exercise of jurisdiction under Article 142 of the Constitution of India?

CONTEXT: This legal dispute arose from the directions issued in *Asian Resurfacing of Road Agency Private Limited & Anr. v. Central Bureau of Investigation [(2018) 16 SCC 299]*, which mandated that stay orders granted by High Courts in civil or criminal proceedings would automatically lapse after six months unless specifically extended by a speaking order. A Bench of three Hon'ble Judges referred the matter for reconsideration, expressing reservations that the principle of automatic vacation of stay, without application of judicial mind, was liable to result in a serious miscarriage of justice.

The directions issued in the Asian Resurfacing case regarding the automatic vacation of stay and the requirement to decide cases on a day-to-day basis within a time frame are disapproved and cannot be issued in the exercise of jurisdiction under Article 142 of the Constitution of India.

The questions referred were answered in the negative. A stay order lawfully passed after hearing contesting parties should not be vacated automatically due to the mere lapse of time, especially when the litigant is not responsible for the delay. The automatic vacation of stay without an application of judicial mind is against the basic tenets of justice and the principles of natural justice. The power under Article 142 cannot be invoked to pass blanket orders setting aside a large number of interim orders lawfully passed by all High Courts.

Furthermore, Article 142 does not empower the Supreme Court to ignore the substantive rights of litigants. Fixing time-bound schedules for disposal amounts to judicial legislation, which constitutional courts generally should avoid. High Courts are constitutional Courts and are not judicially subordinate to the Supreme Court; thus, interfering with their power to grant interim relief makes a dent in their jurisdiction under Article 226 of the constitution of India.

HIGH COURT BAR
ASSOCIATION,
ALLAHABAD VS.
STATE OF U.P. & ORS.
[2024 INSC 150]

ARTICLES 142 AND
226 OF THE
CONSTITUTION OF
INDIA

Whether a son can be evicted from his senior citizen parent's property under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, when ownership is disputed and eviction is not shown to be necessary for the parent's welfare?

SAMTOLA DEVI VS.
STATE OF UTTAR
PRADESH & ORS
[2025 INSC 404]

CONTEXT: Kallu Mal (since deceased) and his wife, Samtola Devi, initiated proceedings under the Senior Citizens Act, 2007, against their son, Krishna Kumar, alleging mental and physical torture and requesting his eviction from their house (House No. 778), which Kallu Mal claimed was his self-acquired property. The Maintenance Tribunal initially restrained the son but the Appellate Tribunal ordered his eviction. The High Court later set aside the eviction order. Samtola Devi, pursuing the litigation after her husband's death, appealed to the Supreme Court seeking the son's eviction.

① The Civil Appeal was dismissed. The Supreme Court upheld the High Court's decision, maintaining that the order setting aside the eviction was "well considered, equitable, and justified."

② While the Tribunal could have ordered eviction if it were "necessary and expedient" to protect senior citizens (as held in ***S. Vanitha v. Commissioner, Bengaluru Urban District & Ors. [(2021) 15 SCC 730]*** and ***Urmila Dixit v. Sunil Sharan Dixit & Ors. [(2025) 2 SCC 787]***, the Appellate Tribunal had failed to record reasons justifying such an extreme measure.

③ Furthermore, the son had pending suits challenging the father's exclusive ownership and claiming a one-sixth share in the property, indicating that the ownership claim was disputed.

④ Given that the son had been residing in a small portion of the property, paying the required maintenance, and there was no evidence of any fresh humiliation after the Tribunal's order, he retained an "implied license to live therein."

**SECTIONS 4,5 AND 23
OF THE MAINTENANCE
AND WELFARE OF
PARENTS AND SENIOR
CITIZENS ACT, 2007**

Can private lands vest in the State without service of section 35(3) notices under the Indian Forest Act, 1927?

ROHAN VIJAY NAHAR
& ORS. VS. THE
STATE OF
MAHARASHTRA &
ORS.
[2025 INSC 1296]

CONTEXT: The appellants (landowners) challenged the High Court's dismissal of their petitions concerning revenue mutations that designated their lands as "private forest" vested in the State under the Maharashtra Private Forests Acquisition Act, 1975 (MPFA). The State relied on notices allegedly issued under Section 35(3) of the Indian Forest Act, 1927 (IFA) in the early 1960s to trigger vesting via Section 2(f)(iii) of the MPFA, despite claims of non-service, lack of a final notification under Section 35(1) of the IFA, and decades of private possession. The High Court dismissed the petitions by attempting to distinguish the binding precedent of *Godrej & Boyce Mfg. Co. Ltd. v. State of Maharashtra [(2014) 3 SCC 430]*.

1 The appeal was allowed, and the High Court's judgment dated 27.09.2018 was set aside. The mutation orders and declarations treating the subject lands as private forests were quashed.

2 The rationale is that for vesting to occur under Section 3(1) of the MPFA based on Section 2(f)(iii), a notice under Section 35(3) of the IFA must not only be "issued" but also served upon the landholder, as service is necessary to trigger the owner's right to object. The principle established in *Godrej & Boyce* case mandated strict construction of this expropriatory legislation.

3 The record showed no proof of service of the Section 35(3) notice, no final Section 35(1) notification, and undisturbed private possession, mirroring the fatal deficiencies in *Godrej & Boyce*. The High Court's attempt to distinguish the binding ratio under Article 141 of the Constitution was an "unfortunate departure from the discipline of stare decisis".

**ARTICLES 141, 144,
AND 300-A OF THE
CONSTITUTION OF
INDIA**

**SECTIONS 2(f)(iii)
AND 3(1) OF THE
MAHARASHTRA
PRIVATE FORESTS
ACQUISITION ACT,
1975**