

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO.2183 OF 2015

Girija Gokul Mohan	.. Petitioner
Vs.	
Addl. Collector, Nashik & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2184 OF 2015**

Martand Gomaji Shardul	.. Petitioner
Vs.	
Addl. Collector, Nashik & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2195 OF 2015**

Khandu Mahadu Nadekar	.. Petitioner
Vs.	
Addl. Collector, Nashik & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2196 OF 2015**

Gangaram Rangya Gangude	.. Petitioner
Vs.	
Addl. Collector, Nashik & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2197 OF 2015**

Santosh Tukaram Lokhande	.. Petitioner
Vs.	
Addl. Collector, Nashik & Ors.	.. Respondents

**WITH
WRIT PETITION NO.2198 OF 2015**

Budha Thama Agawle	.. Petitioner
Vs.	
Addl. Collector, Nashik & Ors.	.. Respondents

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Mr.Sandip D. Shinde, Advocate for the Petitioner.
Mr.V.S. Gokhale, AGP for Respondent.

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**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATED : APRIL 1, 2015.

P.C. :

Heard the learned counsel appearing for the petitioners and the learned AGP for the respondents. The case made out in the petition is that the petitioners made applications for grant of sanction for sale of a land by a Tribal to a Non-Tribal. The said applications were made in accordance with Section 36A of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “the said Code”, for short).

2 The Collector, before whom applications have been made has no power to consider the prayer for grant of sanction unless there is a prior approval granted by the State Government in

accordance with Clause (b) of Sub Section (1) of Section 36A of the said Code.

3 From Exhibit-A annexed to the petitions, it appears that a proposal for grant of previous approval in accordance with Clause (b) of Sub-section (1) of Section 36A of the said Code has been forwarded by the office of Divisional Commissioner, Nashik to the State Government. The learned counsel appearing for the petitioners on instructions states that to the knowledge of the petitioners, no decision has been taken on the basis of the said proposal. Learned AGP has no instructions.

4 Hence, we dispose of the petitions by passing the following order:

:: ORDER ::

(i) We direct the petitioners to produce an authenticated copy of this order before the Principal Secretary of the Revenue and Forest Department of State of Maharashtra;

(ii) If the proposals annexed as Exhibit – A to the Petitions submitted by the Divisional Commissioner,

Nashik are still pending before the State Government, the State Government shall take appropriate decisions on the said proposals in accordance with law within a period of three months from the date on which an authenticated copy of this order is produced by the petitioner before the State Government;

(iii) The decision taken by the State Government shall be immediately communicated to the Additional Collector, Nashik;

(iv) The Additional Collector, Nashik shall pass appropriate orders on the applications made by the petitioners within a period of one month from the date on which the orders of the State Government are received by him;

(v) We make it clear that we have made no adjudication on the merits of the cases;

(vi) The petitions are disposed of on the above terms;

(vii) All concerned to act on an authenticated copy
of this order.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)