

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

WRIT PETITION NO.1931 OF 2015

Sumedh D. Dhiware .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

Mr.Sandip S. Shinde for the Petitioner.
Mr.V.S. Gokhale AGP for the Respondent Nos.1 and 2.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 5TH MARCH, 2015

P.C.

1. Heard learned counsel appearing for the petitioner and learned AGP for the Respondents.

2. On 26th February, 2015, the time was granted to the learned AGP to take the instructions. He states that he has not received any instructions.

3. An application was made by the petitioner for grant of permission to change the user of the land described in paragraph 4 of this petition. The permission was sought to use the land claimed by the petitioner for the non agricultural purpose.

4. In exercise of the powers under section 257 of the Maharashtra Land Revenue Code, 1966 the then Hon'ble Minister for the State of the Revenue Determent of the State Government passed an order dated 6th September, 2014 directing the District Collector to grant permission in terms of clause 2 of the operative part of the said

order.

5. The only grievance in this petition is that the first respondent has not implemented the said order.

6. So long as the order of the State Government is in force, the Collector is bound by the said order and therefore, he will have to implement the same.

7. Hence, this petition need not be kept pending and we dispose of this petition by passing the following order :

(i) We direct the petitioner to appear before the first respondent on 30th March, 2015 at 11 am;

(ii) The petitioner shall produced an authenticated copy of this order as well as a certified copy of the order dated 6th September, 2014 (Exhibit-A) before the first respondent on that date;

(iii) The first respondent shall ascertain whether the order dated 6th September, 2014 continues to be in force;

(iv) If the first respondent finds that the said order continues to be in force, he shall issue the permission in accordance with the said order as expeditiously as possible and in any event, within a period of one month from 30th March, 2015;

(v) We make it clear that we had not made any adjudication of the legality and validity of the order dated 6th September, 2014.

(vi) The petition is disposed of in the above terms.

(vii) The parties to act upon the authenticated copy of this order.

(A.K. MENON, J.)

(A.S. OKA, J.)