

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

WRIT PETITION NO.971 OF 2015

Sou.Mathurabai Bhausahab Thorat
Sevabhavi Trust .. Petitioner.
Vs.
The State of Maharashtra & Ors. .. Respondents.

**WITH
WRIT PETITION NO.1085 OF 2015**

Sundar Madhav Mandal .. Petitioner.
Vs.
The State of Maharashtra & Ors. .. Respondents.

**WITH
WRIT PETITION NO.1169 OF 2015**

Madhu Khandu Dhumal & Ors. .. Petitioners.
Vs.
The State of Maharashtra & Ors. .. Respondents.

Mr.Suresh M. Sabrad for the Petitioners.
Mr.V.S. Gokhale AGP for the State.

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

DATED : 4TH FEBRUARY, 2015

P.C.

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the petitioners and learned AGP for the State.
3. The applications have been made under section 36A of the Maharashtra Land Revenue Code, 1966 (for short "the said Code") for grant of sanction for permitting the sale of a land held by Tribals

to non-Tribals. The case of the petitioners is that the applications are pending before the State Government for the purpose of considering the question for grant of prior approval in terms of clause (b) of Sub-section (1) of Section 36A of the said Code. The learned counsel for the petitioner on instructions states that no decision has been taken as yet by the State Government. Learned AGP appearing for the State states that he has no instructions.

4. In view of the statement made by the petitioner, we pass the following order :

- (i) We direct the State Government to take appropriate decision on the pending proposal for grant of approval under clause (b) of Sub-section (1) of Section 36A of the said Code in accordance with law. The decision shall be taken within a period of two months from today. The decision shall be communicated to the District Collector;
- (ii) The District Collector shall pass an appropriate order on the basis of the decision of the State Government within a period of one month from the date on which the decision is received by him;
- (iii) All contentions on merits are kept open;
- (iv) The petitions are disposed of in above terms.

(A.K. MENON, J.)

(A.S. OKA, J.)