

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

WRIT PETITION NO.2071 OF 2015

Suka Taka Talpade .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2072 OF 2015

Pandharinath Kashiram Dalvi & Ors. .. Petitioners.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2073 OF 2015

Devchand Pandu Bhale .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2074 OF 2015

Laxman Naavji Bhale .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2075 OF 2015

Soma Mangalu Pawar .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2076 OF 2015

Jaibai Narayan Bhale .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2078 OF 2015

Mainabai Laxman Ghagre .. Petitioner.
Vs.
Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2079 OF 2015

Goma Gangara-0m Telam .. Petitioner.
Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2080 OF 2015

Smt. Gajabai Ganpat Khadke .. Petitioner.

Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2081 OF 2015

Kashinath Mahadu Mukane .. Petitioner.

Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2082 OF 2015

Ashok Soma Khadke .. Petitioner.

Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2083 OF 2015

Fulabai Budhaa Pardhi .. Petitioner.

Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2084 OF 2015

Suryakant Y. Pawar .. Petitioner.

Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

WRIT PETITION NO.2085 OF 2015

Kalpana S. Khode .. Petitioner.

Vs.

Addl. Collector, Nashik & Ors. .. Respondents.

Mr.Sandeep D. Shinde for the Petitioners.

Mr.V.S.Gokhale, AGP for the State.

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

DATED : 5TH MARCH, 2015

P.C.

1. Heard learned senior counsel for the petitioner and

learned AGP for the respondents.

2. The petitioners have made applications to the District Collector for grant of permission under sub-section (1) of Section 36A of the Maharashtra Land Revenue Code (for short "the said Code"). In all the petitions the grievance is common. The case is that the District Collector recommended the applications and forwarded the same to the Divisional Commissioner, Nashik Division. In all the petitions, petitioners have annexed the copies of recommendations of the Collector in writing and submitting the same to the Divisional Commissioner, Nashik Division. In all these petitions, except in Writ Petition No.2074 of 2015 and 2077 of 2015, though there is an averment made that the Divisional Commissioner, Nashik Division has forwarded his recommendations to the State Government to enable the State Government to consider whether the previous approval under clause (b) of sub-section (1) of Section 36A of the said Code can be granted. However, the petitioners have not annexed any document to show that the Divisional Commissioner has forwarded the proposals to the State Government. Only in Writ Petition No.2074 of 2015 that the petitioner has annexed the copies of reports submitted by the Divisional Commissioner, Nashik Division to the Additional Chief Secretary of the Revenue and Forest Department of the State Government for the purpose of considering the case for grant of previous approval in accordance with clause (b) of sub-section (1) of section 36A of the said Code.

3. Learned AGP has not received any instructions whether the State Government has received the proposals. From all the petitions, it appears that the original applications under sub-section (1) of section 36A were made in the year 2012 or 2013, therefore, the applications will have to be disposed of expeditiously.

4. Hence, we disposed of the petition by passing the following order :

- (i) Wherever the proposals based on the applications of the petitioners are pending before the Divisional Commissioner, Nashik Division, the said proposal shall be scrutinised by office of the Divisional Commissioner, Nashik Division and appropriate recommendations in accordance with law shall be submitted to the State Government within a period of one month from the date on which an authenticated copy of this order is produced by the petitioner the office of the Divisional Commissioner, Nashik Division.
- (ii) In case of this proposal which are already received by the State Government, the State Government shall take appropriate decision as regards the grant of previous approval under clause (b) of sub-section (1) of section 36A of the Said Code as expeditiously as possible and in any event within a period of two months from the date on which an authenticated copy of this order is served by the petitioner in the office of the Additional Chief Secretary, Revenue and Forest Department of the State Government;

(iii) In these cases where the State has not received any proposal till today, the appropriate decision shall be taken by the State Government within a period of two months from the date on which the proposals are received by the State Government from the office of the Divisional Commissioner, Nashik Division;

(iv) The final decision taken by the State Government shall be communicated to the Additional Collector, District Nashik within a period of one week from the date on which the decision is taken;

(v) The Additional Collector, Nashik shall pass the final order on the applications made by the petitioner within a period of one month from the date on which the orders of the State Government are received in his office;

(vi) The petitions are disposed of in the above terms.

(vii) We direct the petitioners to serve an authenticated copies of this order to the office of the Additional Collector, Nashik Divisional Commissioner, Nashik Division and the Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra who shall act upon the same.

(viii) We make it clear that we had made no adjudication on the merits of the pending applications.

(A.K. MENON, J.)

(A.S. OKA, J.)