

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2429 OF 2015

Pundlik Dewaji Jopale ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Amey Deshpande i/b J.D.Khairnar for the
petitioner
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 4.

CORAM : A.S.OKA, &
A.K.MENON, JJ.
DATE : MARCH 10, 2015

P.C.:

. Not on board. Taken on board.

1 Heard the learned counsel for the petitioner and the learned AGP for respondent Nos.1 to 4. The petitioner made an application under sub-section (1) of section 36-A of the Maharashtra Land Revenue Code, 1966 (for short 'the said Code') seeking sanction of the Collector for sale of a land. The sale proposed is by a Tribal in favour of a non-Tribal.

2 A proposal for grant of prior approval under
clause (b) of sub-section (1) of Section 36-A of the
said Code was forwarded by the office of the
Divisional Commissioner to the State Government on
4th September 2013.

3 The grievance of the petitioner is that no
order has been passed by the State Government on the
basis of the said proposal. The learned AGP has no
instructions regarding the present status of the
proposal.

4 Hence, this petition need not be kept pending
and the same is disposed of by passing the following
order:

- (I) We direct the petitioner to appear before
the Additional Chief Secretary, Revenue and
Forests Department of the State Government on
31st March 2015 at 3.00 p.m.;
- (II) The petitioner shall produce an
authenticated copy of this order before the
said Authority on that date;
- (III) If the State Government has not taken any
decision on the basis of the proposal dated 4th
September 2013 (Exhibit-B to the petition), the
same shall be taken within a period of two
months from 31st March 2013;
- (IV) The decision taken by the State Government
on the proposal forwarded by the Divisional
Commissioner shall be immediately communicated
to the District Collector, Nashik;
- (V) On the basis of the order passed by the
State Government, the District Collector,
Nashik shall dispose of the application made by
the petitioner within a period of one month
from date on which the order of the State
Government is received by him;

- (VI) We have made no adjudication on the merits of the application made by the petitioner;
- (VII) Writ Petition is disposed of on above terms;
- (VIII) Parties to act upon an authenticated copy of this order.

(A.K.MENON,J.)

(A.S.OKA,J.)