

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1705 OF 2015

Shri Yogesh Madhukar Wagh. .. Petitioner

Vs

The State of Maharashtra and Others. .. Respondents

—

Shri V.N. Walawalkar i/by Shri Suresh M. Sabrad for the Petitioner.

Mrs. M.P. Thakur, AGP for Respondents.

--

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

DATED : 20TH MARCH 2015

P.C.

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 27th/28th October 2014.

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:

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 pm;
- (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 27th/28th October 2014 (Exhibit-A to the petition), the same shall be taken within a period of two months from 31st March 2015;

- (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.PBHANGALE, J)

(A.S. OKA, J)