

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2774 OF 2015

Vasant Khanderao Naik & Ors. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Prashant Kamble i/b Mr.P.L.Bhujbal for the
Petitioners
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 3.

CORAM : A.S.OKA, &
 REVATI MOHITE DERE, JJ.
DATE : AUGUST 17, 2015

P.C.:

1 Heard the learned counsel for the petitioners and the learned AGP for the State. An application was made by the petitioners for grant of permission under sub-section 1 of section 36-A of the Maharashtra Land Revenue Code, 1966 to sell of their agricultural land. The petitioners claim that they belong to tribal community. The application was made as they desire to transfer it to non tribal.

2 A proposal was forwarded by the District Collector to the Divisional Commissioner, Nashik on the basis of the said application. The Divisional Commissioner, Nashik Division, Nashik by a letter dated 14th March 2014 has forwarded the said proposal to the State Government for considering the case for grant of prior approval under clause (b) of sub-section (1) of section 36-A of the said Code.

This Court has already issued a direction to the State Government that appropriate decision on such proposal is to be taken normally within a period of four months from the date on which the proposal is received from the Divisional Commissioner. The learned AGP has no instructions as regards the status of the proposal.

3 Hence, we pass the following order:

- (I) We direct the petitioners to appear in the office of the Additional Chief Secretary of the Revenue and Forest Department of the Government of Maharashtra on 7th September 2015 at 2.30 p.m. The petitioners or their authorised representative shall produce an authenticated copy of this Judgment and Order in the office of the Additional Chief Secretary of the Revenue and Forest Department;
- (II) If an order is already passed on the proposal dated 14th March 2014 at Exh.C to the petition, the State Government shall forthwith forward the said order to the District Collector, Nashik;
- (III) If no decision is taken as yet, appropriate decision shall be taken within a period of two months from 7th September 2015;
- (IV) Within a period of one month from the date on which the decision of the State Government is received, the District Collector/Additional Collector shall pass an appropriate order on the application made by the petitioner;

(V) Writ Petition is disposed of on above terms;

(VI) All concerned to act upon an authenticated copy of this order.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)