

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2409 OF 2015
WRIT PETITION NO.2410 OF 2015
WRIT PETITION NO.2411 OF 2015
WRIT PETITION NO.2412 OF 2015
WRIT PETITION NO.2413 OF 2015
WRIT PETITION NO.2414 OF 2015
WRIT PETITION NO.2415 OF 2015
WRIT PETITION NO.2416 OF 2015

WP NOS.2409 OF 2015, 2412 OF 2015,
2413 OF 2015, 2014 and 2415 OF 2015

Sanjay Narayan Sable.	..	Petitioner
Vs		
Additional Collector, Nashik & Ors.	..	Respondents
—		

WP NO.2410 OF 2015

Shantaram Bhavdu Aagivale.	..	Petitioner
Vs		
Additional Collector, Nashik & Ors.	..	Respondents
—		

WP NO.2411 OF 2015

Kashiram Shiva Vare.	..	Petitioner
Vs		
Additional Collector, Nashik & Ors.	..	Respondents
—		

WP NO.2416 OF 2015

Subhash Laxman Khetade.	..	Petitioner
Vs		
The Collector, Thane & Others.	..	Respondents
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Shri Sandeep D. Shinde for the Petitioner in all the Petitions.
Shri V.S.Gokhale, AGP for the Respondents.

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CORAM : A.S. OKA & A.P. BHANGALE, JJ
DATED : 9TH APRIL 2015

P.C.

. Heard learned counsel appearing for the Petitioner and the learned AGP for the Respondents.

2. Considering the narrow controversy involved in these Petitions, the same are taken up forthwith for final disposal.

3. The Petitioners have filed Applications under Sub-section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 (for short “the said Code”) for seeking permission to sell the lands of tribal to a non-tribal.

4. Under Sub-section (1) of Section 36A of the said Code, when previous sanction of the Collector is sought for sale of a land of a tribal to a non-tribal, the Collector can grant sanction only with the prior approval of the State Government in accordance with clause (b) of Sub-section (1) of Section 36A of the said Code.

5. The annexures to these Petitions except the Writ Petition No.2411 of 2015 show that the proposal for grant of prior approval has been forwarded by the office of the Collector to the Divisional

Commissioner, Nashik and in turn, the Divisional Commissioner, Nashik has forwarded the said proposal to the State Government. The case made out in these Petitions is that the State Government has not taken final decision. In Writ Petition No.2411 of 2015, the proposal forwarded by the office of the Collector is pending with the Divisional Commissioner, Nashik Division, Nashik.

6. The learned AGP has no instructions about the status of the proposals. In all cases, it appears that the Applications have been pending from the year 2013.

7. Therefore, we dispose of these Petitions by passing the following order.

ORDER :

- (a) In those cases where proposals for considering the question of grant of prior approval under Clause (b) of Sub-section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 are pending with the State Government, appropriate decision shall be taken by the State Government within a period of two months from the date on which an authenticated copy of this judgment and order is produced by the Petitioners in the office of the

Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra.

- (b) In a case where proposal forwarded to the Collector of Nashik is pending before the Divisional Commissioner, Nashik Division, Nashik, appropriate decision shall be taken by the Divisional Commissioner, Nashik, within a period of one month from the date on which an authenticated copy of this order is produced in the said office by the Petitioner. Even in this case, the State Government shall take an appropriate decision on the question of granting prior approval under Clause (b) of Sub-section (1) of Section 36A of the said Code within a period of two months from the date on which a proposal is received from the office of the Divisional Commissioner, Nashik;
- (c) The orders passed by the State Government shall be communicated to the Additional Collector, Nashik, within a period of two weeks from the date on which the orders are passed;

- (d) On receipt of the orders from the State Government, the Additional Collector, Nashik shall dispose of the pending Applications as expeditiously as possible and in any event within a period of one month from the date on which the orders are received from the State Government;
- (e) We direct the Petitioners to supply an authenticated copy of this judgment and order to the offices of the Additional Collector, Nashik, the Divisional Commissioner, Nashik Division, Nashik and the Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra;
- (f) We make it clear that we have not made any adjudication on the merits of the pending Applications and all the contentions of the Petitioners are kept open;
- (g) The Petitions are disposed of on above terms.