

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 2813 OF 2015**

Paresh Vinodray Dave & Ors. ...Petitioners  
Versus  
The State of Maharashtra & Ors. ...Respondents

**WITH  
WRIT PETITION NO. 3668 OF 2015**

Ashok Gopal Pawar ...Petitioner  
Versus  
The State of Maharashtra & Ors. ...Respondents

**WITH  
WRIT PETITION NO. 3663 OF 2015**

Savita Damodar Shingada & Anr. ...Petitioners  
Versus  
The State of Maharashtra & Ors. ...Respondents

**WITH  
WRIT PETITION NO. 5064 OF 2015  
AND  
WRIT PETITION NO. 5065 OF 2015**

Rajendra Sudamrao Sonawane ...Petitioner  
Versus  
The State of Maharashtra & Ors. ...Respondents

Mr. Suresh M. Sabrad for the Petitioners

Ms. M. P. Thakur, A.G.P for the Respondents

**CORAM : A. S. OKA AND  
REVATI MOHITE DERE, JJ.**

**TUESDAY, 9<sup>th</sup> JUNE, 2015**

**P.C. :**

1. Writ Petition Nos. 5064 of 2015 and 5065 of 2015 are not on board. The same are taken on board.
2. The grievance made by these petitions is that applications made under sub-section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 ('the Code') have been kept pending for inordinately long time. The said applications have been made to the District Collector for grant of permission to sell lands, held by tribals to non-tribals. As permission is sought for sell of lands in view of clause (b) of sub-section (1) of Section 36A of the said Code, the Collector is empowered to grant permission/sanction, only with the prior approval of the State Government.
3. The petitions show that the proposals submitted by the petitioners were forwarded to the Divisional Commissioner of Konkan Division and in turn, the Divisional Commissioner of Konkan Division has forwarded the proposals to the Revenue and Forests Department of the State Government. The grievance is that the Revenue and Forest

Department has not taken any decision on the question of grant of prior approval of the State Government. Learned A.G.P has no instructions about the status of the pending proposals.

4. Our attention is invited to Judgment and Order dated 10<sup>th</sup> October, 2015 passed by Division Bench of this Court in Writ Petition No. 8744 of 2014. Under the said order, this Court directed that State Government shall not keep such proposals pending for a long time and an endeavour shall be made to take appropriate decision on such proposals for grant of approval within a period of four months from the date on which the proposals are received from the Divisional Commissioner.

5. In view of the directions issued in the said order, we dispose of the petition by passing the following order :

**ORDER**

(1) If the State Government has already taken a decision on the proposals for grant of prior approval under clause (b) of sub-section (1) of Section 36A of the Maharashtra Land Revenue Code,

1966, the said decision will be communicated to the District Collector within a period of one month from today.

(2) If no decision has been taken by the State Government on the proposals for grant of prior approval under clause (b) of subsection (1) of Section 36A of the Code, appropriate decision shall be taken by the State Government as expeditiously as possible and in any event, within a period of four months from today. The decisions taken shall be forthwith communicated to the District Collector.

(3) The District Collector shall pass appropriate order in accordance with law on the applications made by the petitioners within a period of one month from the date on which copies of the decisions taken by the State Government are received by the Office of the District Collector.

(4) We make it clear that we have made no adjudication on merits and all contentions are kept open, to be decided by the concerned Authorities.

- (5) Petitions are disposed of on the above terms.
- (6) All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**

**(A. S. OKA, J.)**