

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5833 OF 2015**

Kalyani Yallappa Dhotre & Anr. .. Petitioner
vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Suresh M. Sabrad for the Petitioner.
Mr. D.B. Khaire, AGP for the State.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**
DATE : 06TH AUGUST, 2015

P.C.:

1. Learned AGP on instructions states that appropriate decision will be taken on the proposal submitted by the Divisional Commissioner to the State Government on 5 May 2012 (Exb. A to the Petition) within a period of two months from today. We accept the said statement.

2. Our attention is invited to the judgment and order dated 10th October, 2014 passed by this Court in W.P. No.8744 of 2014 and other connected matters. In paragraph 8 of said order, this Court has observed thus :

In normal course, the State Government must make an endeavour to take a decision on the proposal received for grant of previous approval in terms of prayer clause (b) of sub-section (1) of Section 36A within a period of four months from the date on which the proposal is received by it unless considering the complex nature of the case, a very detailed scrutiny and/or inquiry is necessary.

Notwithstanding the aforesaid direction, the State Government is not taking any decision on several proposals submitted in terms of clause (b) of sub-section (1) of section 36A of the Maharashtra Land Revenue Code, 1966 and therefore, a large number of writ petitions are being filed in this Court seeking a writ of mandamus.

3. We accept the aforesaid statement that appropriate decision will be taken within a period of two months from today. The decision taken by the State Government shall be immediately communicated to the District Collector of Raigad. On receipt of the communication of the decision of the State Government, the District Collector shall pass appropriate order on the application made by the petitioner as expeditiously as possible and preferably within a period of one month from the date on which the decision of the Government received by him.

4. All contentions on merits of the pending application are kept open.

5. We direct the State Government to ensure that direction issued in terms of clause '8' of the judgment and order dated 10 October, 2014 in W.P. No. 8744 of 2014 is implemented in all cases.

6. All concerned to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)