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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6958 OF 2014**

Harishchandra Devu Bhoir	... Petitioner
Versus	
The Collector Thane District & Ors.	... Respondents

Mr. Kunal Bhanage, for the Petitioner.
Mr. V.P. Malvankar, AGP, 'A' Panel, for the Respondents.

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

DATE : 28th JULY, 2015

PC.

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

2. An application was made on 29th October, 2007 by the Petitioner for grant of permission for sale of his land by invoking Section 36A of the Maharashtra Land Revenue Code, 1966 (for short "the said Code:). The Petitioner is claiming to be a Tribal. He sought permission as he wants to sell his land to a non-Tribal. In view of clause (b) of Sub-section (1) of Section 36A, prior approval of the State Government is required for grant of such a permission.

3. Exhibit – B to the Petition shows that the proposal on the basis of application made by the Petitioner was forwarded by the office of the Additional Collector, Thane to the Divisional Commissioner, Kokan Division. Along with a letter of March, 2014, the Divisional Commissioner forwarded the said proposal to the State Government for taking appropriate decision. The grievance of the Petitioner is that even as of today, appropriate decision has not been taken by the State Government. The learned AGP has no instructions.

4. As held by this Court, in normal course, the State Government ought to have taken a decision within a period of four months from the date of receipt of the proposal which is Exhibit -B to the Petition.

5. Therefore, we dispose of the Petition by passing the following order :

ORDER

- (i) If the State Government has not taken any decision on the basis of the proposal at Exhibit-B, the same shall be taken within a period of one month from today;
- (ii) The decision taken on the said application shall be communicated to the Additional Collector, Jawhar;

- (iii) On receipt of the decision of the State Government, the Additional Collector, Jawhar shall pass final order on the application dated 29th October, 2007. The final order shall be passed within a period of one month from the date on which the decision of the State Government is communicated to the Additional Collector;
- (iv) All contentions on merits of the pending application are kept open;
- (v) The Petition is disposed of on above terms;
- (vi) We direct the Respondents to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)