

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

upa

WRIT PETITION NO.97 OF 2015

Baban Bhika Wara

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

....

Ms. Leena Patil, Advocate for the Petitioner.

Mr. V.P. Malvankar, AGP 'A' panel for the Respondents.

....

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATED : MARCH 18, 2015.

P.C. :

The petitioner is claiming to be the owner of an agricultural land. The petitioner belongs to a scheduled tribe. He made an application under Sub-section 1 of Section 36A of the Maharashtra Land Revenue Code 1966 (hereinafter referred to as 'the said Code', for short), for grant of previous sanction for sale of the said land to a non tribal.

2 The prayer made for grant of previous sanction cannot be considered by the Collector unless there is a previous approval of the State Government in accordance with clause (b) of Sub-section 1 of Section 36A of the said Code.

3 The statements made in the petition show that the file has been forwarded by the office of the Divisional Commissioner, Nashik to the Additional Chief Secretary of the Revenue and Forest Department of State Government along with letter dated 14th July, 2104. Along with the said letter, a proposal submitted by the District Collector has already been forwarded. The grievance of the petitioner is that the State Government has not taken any action on the basis of letter dated 14th July, 2014. Learned AGP has no instructions.

4 Considering the limited controversy involved in the petition, we dispose of the petition by passing the following order:

:: ORDER :

(i) We direct the petitioner to produce an authenticated copy of this order in the office of the Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra;

(ii) Within a period of two months from the date on which an authenticated copy of this order is produced, the State Government shall take appropriate decision

on the issue of grant of previous approval under Clause (b) of Sub-section (1) of Section 36A of the said Code;

(iii) The decision taken by the State Government shall be forthwith communicated to the Additional Collector, Nashik. The Additional Collector shall pass appropriate order on the application made by the petitioner for grant of previous sanction within a period of one month from the date on which the order of the State Government is received by him;

(iv) All contentions on merits are kept open;

(v) The petition is disposed of on the above terms;

(vi) Parties to act on an authenticated copy of this order.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)