

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2037 OF 2015

|                                      |     |              |
|--------------------------------------|-----|--------------|
| Shri Vijay Kumar Bhalchandra Shete.  | ... | Petitioner.  |
| V/s.                                 |     |              |
| The State of Maharashtra and others. | ... | Respondents. |

Suresh M. Sabrad for the petitioner.  
V.P.Malvankar, AGP A-Panel for the respondents.

**CORAM : A.S. OKA AND C.V.BHADANG, JJ**

**DATED : 5<sup>th</sup> February 2016.**

**PC. :**

Heard the learned counsel for the petitioner and the learned AGP for the respondents.

2. The petitioner made an application to the District Collector of Raigad for grant of permission under sub-section (1) of section 36A of the Maharashtra Land Revenue Code, 1966 (for short "said Code") to permit the transfer of a land from a tribal to a non-tribal. The Collector called for the report on the basis of the said application from the Tahasildar, Khalapur. The said report dated 3<sup>rd</sup> January 2015 is at Exhibit-A. The grievance is that the Collector has not taken any further action. The learned AGP appearing for the State has no instructions about the status of the proposal. The report at Exhibit-A shows that the

proposal is for grant of permission to sell occupancy rights of a tribal to a non-tribal person. Therefore, in view of clause (b) of sub-section (1) of section 36A of the said Code, before considering the prayer of the petitioner, the Collector will have to obtain approval of the State Government.

3. In such matters, normally, the procedure which is followed is that the Collector submits a report to the Divisional Commissioner who, in turn, forwards the said report to the State Government along with his own report to enable the State Government to take an appropriate decision on the issue of the grant of approval.

4. The learned counsel appearing for the petitioner states that after the report was submitted by the Tahasildar, Khalapur there is no further progress made.

5. Hence, we pass the following order:

O R D E R

(i) We direct the District Collector, Raigad to forward his report on the proposal of the petitioner to the Divisional Commissioner, Konkan Division within a period of one month from the date an authenticated copy of this order is produced in the office of the District Collector;

(ii) The Divisional Commissioner shall process the proposal and submit it to the State Government along with his own report within a period of two months from the date on which the proposal is received from the Collector;

(iii) The State Government shall take an appropriate decision on the proposal forwarded by the Divisional Commissioner within a period of three months from the date the proposal is received.;

(iv) The order passed by the State Government shall be communicated to the District Collector. The District Collector shall then take final decision on the application made by the petitioner within a period of two months from the date the decision of the State Government is received by his office;

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

(vi) We make it clear that no adjudication is made on the merits of the case made out by the petitioner in the application made before the District Collector;

(vii) All concerned to act on an authenticated copy of this order.

**(C.V. BHADANG, J)**

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