

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7329 OF 2016

Sau. Lankabai D. Gondake

.. Petitioner

vs.

The Dy. Collector  
(Tenancy Cases Branch) and ors.

.. Respondents

Mr. T.N. Sonawane for the Petitioner.  
Ms M.S. Bane, B-Panel Counsel for the State.

**CORAM : M. S. SONAK, J.**  
**DATE : 29 JULY 2016.**

**P.C. :-**

1] The challenge in this petition is to the impugned communication/order dated 4 February 2016 passed by the respondent No.1 Deputy Collector, Tenancy Cases Branch, Collector Office, Nashik, which is annexed at Exhibit-B (page 17 to the memo of petition).

2] Upon perusal of the communication/order at Exhibit-B (at page 17 to the memo of petition), it is quite clear that the same is not an order at all, but merely an opinion expressed by the Deputy Collector, for consideration of the Collector who is seized with the petitioner's application seeking permission under Section 36-A of the Maharashtra Land Revenue Code, 1966 (said Code). Since, this is

only an opinion, which has been expressed by the Deputy Collector, there is obviously no question of challenging the same. As of now, the Collector, who is competent authority, has not disposed of the petitioner's application under Section 36-A of the Code. This petition is therefore, premature and is not required to be entertained.

3] The Collector, who is competent authority, under Section 36-A of the Code to decide the petitioner's application, in accordance with law and on its own merits within a period of three months from the date of production of authenticated copy of this order.

4] It is made clear that this Court has not adverted to the merits of the matter including, the merits or otherwise of the opinion expressed by the Deputy Collector. Therefore, it will be open to the Collector to take decision in accordance with law and on its own merits.

5] This petition is accordingly, disposed of in the aforesaid terms.

6] All concerned to act on the basis of authenticated copy of this order.

**(M. S. SONAK, J.)**