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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.11303 OF 2014

Mr.Santosh M. Khaire ...Petitioner
vs.
Additional Chief Secretary
(Revenue) and others ...Respondents

Mr.Parag V. Dube for the Petitioner
Ms M.P.Thakur, AGP for the respondent Nos.1 to 3.
Mr.Rajdeep S. Khadapkar for respondent No.4

CORAM : A.S.OKA, &
C.V.BHADANG, JJ.
DATE : JANUARY 11, 2016

P.C.:

1 Heard the learned counsel for the petitioner, the learned AGP for the respondent Nos.1 to 3 and the learned counsel for the respondent No.4. Forthwith taken up for final disposal.

2 It appears from the record that the applications were made by the petitioner to the District Collector for grant of permission to erect hoardings on various spots on the lands held by the State Government. After calling for the report of the Tahsildar, the District Collector submitted a report to the Additional Commissioner, Pune Division, Pune stating that as per the provisions of the Maharashtra Land Revenue (disposal of Lands) Rules, 1971, before the prayer of the petitioner can be considered, under the said Rules, prior approval of the State Government is necessary. It appears

that by a letter dated 23rd February 2011, the Divisional Commissioner, Pune forwarded the said proposal to the Additional Chief Secretary (Revenue) of the Revenue and Forest Department, Mantralaya, Mumbai for considering the case for grant of approval under Rule 50 of the said Rules.

3 It appears that due in the fire in Mantralaya, the proposal which was forwarded to the State Government was destroyed. The letter dated 24th May 2013 addressed by the District Collector to the Divisional Commissioner, Pune Division, Pune records that the reconstructed proposal has been submitted to the Office of the Divisional Commissioner, Pune Division, Pune.

4 The learned AGP has no instructions as to whether the reconstructed proposal has been submitted to the State Government. Considering the limited controversy, the writ petition is disposed of by passing the following order:

- (I) We direct the petitioner to appear before the Divisional Commissioner, Pune Division, Pune on 1st February 2016 at 11.00 a.m. The petitioner shall produce an authenticated copy of this order on that date;
- (II) The Divisional Commissioner, Pune Division, Pune shall examine the record and will ascertain whether the reconstructed proposal submitted by the Collector on 24th May 2013 has been submitted to the State Government;

- (III) If the reconstructed proposal is not yet submitted to the State Government, he shall forward the reconstructed proposal to the State Government within a period of one month from 1st February 2016;
- (IV) The State Government shall take appropriate decision on the reconstructed proposal on or before 30th April 2016. The decision taken by the State Government on the reconstructed proposal shall be communicated to the District Collector, Pune;
- (V) The District Collector shall pass an appropriate order on the application made by the petitioner for allotment of land for the purpose of erecting hoardings within a period of two months from the date on which decision of the State Government is received by him;
- (VI) Writ petition is disposed of on above terms;
- (VII) All concerned to act upon an authenticated copy of this order.

(C.V.BHADANG,J.)

(A.S.OKA,J.)