

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.169 OF 2016

Mr. Arun Chhotelal Ghiya. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents
—
Mrs. Gauri Jadhav i/b Shri Tushar Jadhav for the Petitioner.
Shri P.G. Sawant, AGP for the Respondent State.
—

CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 17TH OCTOBER 2016

P.C.

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

2. The Petitioner is relying upon the sale deed dated 3rd August 2010 executed by the original owner of the land described in the said Sale Deed which is registered on 24th December 2010. The Petitioner made an application on 6th January 2011 (Exhibit–C to the Petition) to the District Collector and Tahasildar, Pune. The Petitioner claimed that Section 63-1(A) of the Maharashtra Bombay Tenancy and Agricultural Lands Act, 1948 (for short “the said Act”) is applicable to the said transaction. Therefore, he sought permission to deposit a sum of Rs.1,50,000/- which is equivalent to 2% of the consideration shown in the Sale Deed. It appears from the letter dated 12th March 2013

(Exhibit -G to the Petition) addressed by the Tahasildar, Khed (Pune) to the District Collector (Tenancy Branch), Pune that after carrying out the necessary verification, the application made by the Petitioner along with the entire file was forwarded by the Tahasildar to the District Collector with a request to the District Collector to accept the requisite nazrana amount from the Petitioner.

2. The learned counsel appearing for the Petitioner states that so far, the office of the Collector has not taken any action and the application made by the Petitioner is pending. The learned AGP has no instructions about the status of the pending application.

3. Hence, we pass the following order :

ORDER:

- (a) We direct the Petitioner to submit an authenticated copy of this order in the office of the District Collector (Tenancy Branch) Pune along with a true copy of this Petition with annexures thereto;
- (b) If appropriate order is not yet passed by the District Collector on the application dated 6th January 2011

in terms of report submitted by the Tahasildar at Exhibit-C to the Petition, the same shall be passed by the District Collector (Tenancy Branch), Pune within a period of three months from the date on which an authenticated copy of this order is produced by the Petitioner;

- (c) If the application made by the Petitioner is allowed, necessary challan shall be forthwith issued to the Petitioner to enable him to deposit the requisite amount;
- (d) We make it clear that we have not made any adjudication on merits of the application submitted on 6th January 2011;
- (e) The Petition is disposed of on above terms;
- (f) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)