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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12770 OF 2015**

Mr. Arun Chhotelal Ghiya

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mrs. Gauri Jadhav i/by Mr. Tushar Jadhav for the Petitioner.
Mr. P.G. Sawant, AGP for the Respondent - State.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 29th AUGUST, 2016

PC.

1 Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents. The Petitioner is relying upon the sale deed dated 6th September, 2013 executed by the original owner of the land described in the said Sale Deed. The Petitioner made an application on 24th September, 2013 (Exhibit – B to the Petition) to the District Collector and Tahasildar. The Petitioner claimed that Section 63-1(A) of the Maharashtra Tenancy and Agriculture Lands Act, 1948 (for short “the said Act”) is applicable to the said transaction. Therefore, he sought permission to deposit a sum of Rs.10,000/- which is equivalent to 2% of the consideration shown in the Sale Deed. It appears from the

letter dated 5th December, 2013 (Exhibit -D 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

- (i) 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 ;
- (ii) If appropriate order is not yet passed by the District Collector on the application dated 24th September, 2013 in terms of report submitted by the Tahasildar at

Exhibit-D to the Petition, the same shall be passed by the District Collector (Tenancy Branch) Pune within a period of one month from the date on which an authenticated copy of this order is produced by the Petitioner;

- (iii) 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;
- (iv) We make it clear that we have not made any adjudication on merits of the application submitted on 24th September, 2013;
- (v) The Petition is disposed of on above terms;
- (vi) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)