FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5976/2015
(SHRIKANT PURUSHOTTAM GHUTE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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None for the petitioner.
Mrs. Mrunal Naik, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND A.S. CHANDURKAR, JJ.

DATE : FEBRUARY 18, 2016.

By this petition, the petitioner challenges the communication of the respondent no.3 dated 25.05.2015 directing the petitioner to secure the 'No Objection Certificate' from the Sub-Divisional Officer, Achalpur-Revenue Authority, before seeking the mutation entry in the revenue records.

It is the case of the petitioner that the respondent no.3 was not justified in seeking the no objection certificate from the Sub-Divisional Officer, Achalpur before securing the mutation entry in view of the judgment reported in **2009(1) All MR 343** (*Smt.Jaykumari & Others Versus State of Maharashtra & Others*) and the other judgments and orders annexed to the writ petition. According to the petitioner, the petitioner has purchased the plot in question from the owner thereof by a registered sale-deed dated 11.03.2015 and it would be the bounden duty of the respondents to mutate the name of the petitioner in the revenue records on the submission of document of title by the petitioner. It is stated that in respect of the plot of land which is a B-Tenure land, the respondent no.3 could not have sought the no objection certificate from the revenue authority in view of the aforesaid judgment.

Mrs. Naik, the learned Assistant Government Pleader appearing on behalf of the respondents has referred to the provisions of Section 37-A of the Maharashtra Land Revenue Code, 1966 that have been inserted in the Code by the amendment dated 03.03.2015. It is stated that the sale-deed has been executed in favour of the petitioner on 11.03.2015 and, hence, the judgment reported in 2009(1) All MR 343 would not be helpful to the petitioner in challenging the impugned order. It is stated that after 03.03.2015, in terms of the provisions of Section 37-A of the Code, a sale or transfer of a property could be made only with the prior permission of the State Government, which could be granted on recovery of such premium or charge and share of unearned income. It is stated that since the sale-deed has been executed in favour of the petitioner on 11.03.2015, the respondent no.3 was justified in directing the petitioner to produce the no objection certificate from the Revenue Authority before seeking the mutation of his name in the revenue records.

We find much force in the submissions made on behalf of the respondent. The provisions of Section 37-A of the Code have been inserted in the Code on 03.03.2015 and in terms of the said provisions, a sale or transfer of a land including the Nazul land could be made only with the prior permission of the State Government, which could be granted under Section 37-A of the Code of 1966. Since the sale-deed was executed in favour of the petitioner on 11.03.2015, the provisions of Section 37-A of the Code could be made applicable to the case of the petitioner and the petitioner would be liable to produce the no objection certificate from the revenue authority before seeking the mutation of his name in the revenue records. In the circumstances of the case, we do not find any illegality in the order of the respondent no.3.

Hence, we dismiss the writ petition with no order as to costs.

JUDGE **JUDGE**

APTE