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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.9811 OF 2017

Sadhnabai N. Dalvi

...Petitioner

V/s.

The Collector, Nashik & Ors.

...Respondents

Mr.R.D. Soni i/b M/s.Ram & Co. for Petitioner.

Mrs.M.P. Thakur, A.G.P for Respondent – State.

**CORAM : DR.MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.**

DATE : 11TH OCTOBER, 2017

P.C. :-

1. The petitioner, who is the owner of the property in Gat No.216/2, admeasuring 7 hectors and 40 Ares, situated at village Shingve, taluka Chandwad, District Nashik is before this Court claiming that the petitioner belongs to Hindu Bhil Tribe, which is recognized as Scheduled Tribe in the State of Maharashtra. According to him, by virtue of agreement dated 21st May, 2014, he entered into an agreement with one Laxman Sonu Khatal and six others to sell a portion of 4 hectors of land from the above mentioned land for a total consideration of Rs.8,10,000/-. He has already received Rs.6,50,000/- as earnest deposit. According to him, in terms of Statute, the proposed purchaser and his family

members are agriculturist and all legal heirs and representatives of the petitioner have given their consent for sale of the property, which belongs to the Tribal community. The purchaser not being a Tribal or an Adiwasi, since he belongs to a general category, he has submitted an application in accordance with the Statute. Even the reports were submitted accordingly by the concerned authorities. The final report is at page 70 of the writ petition, which indicate that after a preliminary enquiry and reports of the concerned authorities, now the matter is pending before the Principal Secretary, Revenue and Forest Department, Mantralaya.

2. The opinion of the Divisional Commissioner is reflected in the reports submitted to the Principal Secretary, Revenue and Forest Department, Mantralaya. The grievance seems to be inspite of seeking permission in the year 2014 by an application by the petitioner, till date there is no response or action whatsoever on the application of the petitioner.

3. In the light of above facts placed on record, we are of the opinion that this Court cannot form an opinion at this stage whether the permission could be granted or not since the criteria for granting such permission is within the zone of consideration before the concerned authority, Principal Secretary, Revenue and Forest Department, Mantralaya.

4. We accordingly dispose of the writ petition, directing

the Principal Secretary, Revenue and Forest Department, Mantralaya to enquire into the matter, consider the reports submitted and dispose of the matter in accordance with the procedure contemplated, based on the material facts within three months from today.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)