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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5351 OF 2016
WITH
CIVIL APPLICATION NO.2736 OF 2016

Rajendra Bansilal Raisonni and Anr.	... Petitioners
Vs.	
State of Maharashtra and Ors.	... Respondents

Mr. Aniruddha Arun Garge for the Petitioners.
Mr. Ajit Ram Pitale for the Applicant in CA.
Ms. Aparna Vhatkar, AGP for Respondent Nos.1 to 4.

CORAM : A.S. OKA &
A.K. MENON, JJ.

DATE : 6th APRIL, 2017

PC.

1 The learned counsel appearing for the petitioners states that the application made by the petitioners under Section 44 of the Maharashtra Land Revenue Code, 1966 on 1st April, 2011 is not yet decided by the District Collector. A copy of the application made by the petitioners is annexed as Exhibit – 'J' to the Petition. The first prayer in this Petition under Article 226 of the Constitution of India is for issuing a writ of mandamus directing the third respondent – Collector to grant the said application. In fact, this is the only substantive relief sought in this Petition. The learned AGP is no instructions as regards the status of the said application.

2 There are various issues raised as regards applicability of the provisions of the Maharashtra Private Forest (Acquisition) Act, 1975 to the land subject matter of application made by the petitioners. However, in this Petition, it is not necessary for us to go into the said question.

3 Accordingly, we pass the following order :-

ORDER

- (i) We direct the petitioners to remain present in the office of the District Collector (third respondent) on 22nd May, 2017 at 11.00 am. The petitioners shall produce an authenticated copy of this order on that date. If application dated 1st April, 2011 is already decided, a copy of the order passed on the application be provided to the petitioners on the same day;
- (ii) If the said application is still pending, the third respondent shall decide the said application within a period of three months from 22nd May, 2017;
- (iii) The issue whether the applicant in Civil Application No.2736 of 2016 is entitled to be heard is kept open.

Needless to add that application dated 1st April, 2011 shall be decided in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 and Rules framed thereunder;

- (iv) No adjudication is made on the entitlement of the petitioners to receive requisite permission and all contentions of the parties to that effect are kept open;
- (v) The Petition is disposed of on above terms;
- (vi) All concerned to act upon an authenticated copy of this order;
- (vii) In view of disposal of the Writ Petition, the Civil Application No.2736 of 2016 does not survive and the same is disposed of.

(A.K. MENON, J)

(A.S. OKA, J)