

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Writ Petition No. 6622 of 2017

V. M. Patil Krishi Pratishthan ,  
Through Mr. Vikas Madhukar Patil ... Petitioners  
Versus  
The State Of Maharashtra & Ors. ... Respondents

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Ms. Neeta Karnik, for the Petitioners.

Mr. C. P. Yadav, AGP for the Respondent Nos. 1 & 2.

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CORAM : B. R. GAVAI, &  
RIYAZ I. CHAGLA, JJ.

DATE : AUGUST 1, 2017

PC.

1. Rule. Rule is made returnable forthwith. Learned AGP waives service of notice for Respondent Nos. 1 and 2. By consent of parties, petition is taken up for final hearing.

2. The Petitioner has approached this Court praying for direction to the Respondents to consider the compliances carried out by the Petitioner for grant of approval to the Bachelor of Design Degree Course from the academic year 2016-2017.

3. It is contention of the Petitioner that it had proposed to

start course of Bachelor degree of Design, so that the girl students in the area can get the necessary qualification and get employed in the textile industry. It is submitted that proposal of the Petitioners was duly recommended by the SNDT University. In the affidavit in reply filed on behalf of the Respondents, it is stated that the proposal was rejected on the ground that Non-Agriculture order regarding the land was not submitted; and the agriculture land was transferred in favour of the Petitioner by way of gift without prior permission from the Collector. It is further contended that the rejection of proposal was communicated to the Petitioners through the University vide letter dated 12<sup>th</sup> of August, 2016.

4. The learned AGP has not been in a position to point out any provision which would require no objection of the Collector prior to execution of the gift deed by an agriculturist in favour of the educational institution. Insofar as the ground regarding non production of NA permission is concerned, the Petitioner has placed on record a copy of NA order at Exhibit E. Perusal of the said order would reveal that Petitioner has already been granted NA permission on 22<sup>nd</sup> April, 2016. Not only that, but the documents placed on

record would reveal that Gram Panchayat has issued certificate to the effect that the Petitioner has constructed a building on an area admeasuring 4684.92 Sq. mt.

5. It could thus be seen that one of the grounds on which the impugned order rejecting the proposal of the Petitioner is concerned, the same not supported by any material, and insofar as the second ground is concerned, it is on erroneous and factual position. Though the Petitioner is having NA order dated 22<sup>nd</sup> April, 2016, its proposal is rejected on 12<sup>th</sup> of August, 2017 on the ground that Petitioner does not have NA order.

6. In that view of the matter, we direct the Respondents – State to reconsider proposal of the Petitioner in view of the non-agriculture order being available with the Petitioner much prior to the order, rejecting the proposal, is passed. The State shall take decision on the proposal submitted by the Petitioner as expeditiously as possible, and in any case within a period of four weeks from today. Rule is made absolute in the aforesaid terms with no order as to costs.

Sd/-  
[RIYAZ I. CHAGLA, J.]

Sd/-  
[B. R. GAVAI, J.]