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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13407 OF 2016**

Smt. Usha Rupabai Parmar	... Petitioner
Vs.	
State of Maharashtra and Anr.	... Respondents

Mr. Kayval P. Shah for the Petitioner.
Mr. Manish Pabale, AGP for the Respondent Nos.1 and 2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 6th MARCH, 2017

PC.

1 Perused the affidavit in reply of Shri Gajendrakumar Narendra Patole filed on behalf of the State Government. The case made out in the Petition is that the petitioner who claims to be a tribal is the owner of a land. An application was made by the petitioner before the District Collector, Thane District seeking previous sanction under Sub-Section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 (for short "the said Code"). The affidavit in reply reveals that the said application is not traceable. It is pointed out that now Taluka Vasai has been included within the limits of newly formed Palghar Revenue District with effect from 1st August, 2014. In fact, a letter dated 24th January, 2017 has been addressed by the petitioner to the District

Collector of Palghar District requesting for grant of sanction.

2 The petitioner will have to make a fresh application in prescribed form for grant of sanction under Sub-Section (1) of Section 36A of the said Code in the office of the District Collector, Palghar. The learned counsel appearing for the petitioner states that the petitioner will accordingly make a fresh application in prescribed form along with necessary documents.

3 In view of the aforesaid statement, we dispose of the Petition by passing the following order :-

ORDER

- (i) If an application is made by the petitioner for grant of previous sanction in respect of Plot No.18, Survey No.282/ part, village Pelhar, Taluka Vasai under Sub-Section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 to the District Collector, Palghar within one week from today, the said application shall be processed and a report shall be submitted to the Divisional Commissioner, Konkan Division within a period of one month from the date on which the application is filed by the petitioner;

- (ii) On receipt of the proposal, the office of the Divisional Commissioner, Konkan Division will scrutinize the proposal and submit his recommendations to the State Government within a period of one month from the date on which the proposal is received by the office of the Divisional Commissioner. After receiving the proposal from the Divisional Commissioner, the State Government shall take appropriate decision on grant of previous approval under clause (b) of Sub-Section (1) of Section 36A within a period of one month from the date on which the proposal is received from the office of the Divisional Commissioner;
- (iii) The State Government shall communicate its decision on the issue of grant of prior approval to the District Collector who after receiving the said decision shall pass appropriate order on the application made by the petitioner within a period of one month from the date of receipt of the decision of the State Government;
- (iv) Orders passed on the application be communicated to the petitioner;
- (v) We make it clear that we have made no adjudication on merits on the prayer proposed by the petitioner for

grant of previous sanction;

(vi) The Petition is disposed of on above terms;

(vii) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)