

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12028 OF 2016

Shri Bhiku Nama Nirguda and Another. .. Petitioners
Vs
The State of Maharashtra and Others. .. Respondents
—
Shri Suresh M.Sabrad for the Petitioners.
Shri V.P. Malvankar, AGP “A” Panel for the Respondents.
—

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

DATED : 24TH JANUARY 2017

P.C.

1. Rule. The learned AGP waives service for the Respondents.
2. Considering the narrow controversy involved, the Writ Petition is forthwith taken up for final disposal.
3. For the reasons recorded in Writ Petition No.12026 of 2016, we pass the following order:

ORDER :

- (a) The impugned communication dated 6th August 2016 (Exhibit-E to the Petition) is hereby quashed and set aside;

- (b) We direct the Petitioners to produce Project Report and Plans in the office of the District Collector of Raigad District within a period of one month from the date on which this judgment is uploaded;
- (c) It will be open for the Collector to call upon the Petitioners to file additional documents;
- (d) The Collector of Raigad shall examine the said documents, if filed by the Petitioners and shall submit appropriate recommendations to the Divisional Commissioner, Konkan Division, within a period of six weeks from the date on which the documents are filed;
- (e) After examining the proposal submitted by the District Collector, the Divisional Commissioner, Konkan Division shall submit his own recommendations to the State Government within a period of six weeks from the date of receipt of the proposal from the District Collector, Raigad;

- (f) After considering the recommendations of the Collector and the Divisional Commissioner, Konkan Division, the State Government shall take appropriate decision on the question of grant of prior approval under Clause (b) of Sub-section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 within a period of two months from the date on which the proposal is received from the office of the Divisional Commissioner, Konkan Division;
- (g) The State Government shall communicate its decision to the District Collector, Raigad, who shall pass an order on the Application made by the Petitioners within a period of one month from the date on which the order of the State Government is communicated to him;
- (h) We make it clear that the Authorities including the State Government shall take decision in the light of the observations made in this judgment;

- (i) The Rule is made partly absolute on above terms;
- (j) All concerned to act upon an authenticated copy of this judgment.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)