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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION (ST) NO.12320 OF 2017

Aslamkhan Ashrafkhan Tadavi ... Petitioner.
V/s.
The Collector, Dist. Nashik and Ors. ... Respondents.

Mr. R.D. Soni I/b. Ram and Co. for the Petitioner.
Mr. N.C. Walimbe, AGP for the Respondent - State.

CORAM : A.S.OKA AND M.S. SONAK, JJ.
DATE : 7th SEPTEMBER 2018.

P.C. :

1 Heard the learned counsel appearing for the petitioner and the learned AGP for the respondents. Rule. The respondents waives service. Forthwith taken up for final disposal. This petition will be governed by the Judgment and Order passed today in Writ Petition No.5042 of 2017 and other connected matters. We, therefore, dispose of the petition by passing the following order :-

ORDER

- (i) The impugned order/ impugned communication is hereby quashed and set aside;
- (ii) We direct the petitioner to produce Project Reports 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;

- (iii) It will be open for the Collector to call upon the petitioner to file additional documents;
- (iv) The Collector of Raigad shall examine the said documents, if filed by the petitioner 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;
- (v) 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;
- (vi) 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 Subsection (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;
- (vii) The State Government shall communicate its decision to the District Collector, Raigad, who shall pass an order on the Application made by the petitioner within a period of one

month from the date on which the order of the State Government is communicated to him;

(viii) We make it clear that the Authorities including the State Government shall take decision in the light of the observations made in this judgment;

(ix) The Rule is made partly absolute on above terms;

(x) All concerned to act upon an authenticated copy of this judgment.

(M.S. SONAK, J.)

(A.S.OKA, J.)