

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7583 OF 2017

Shri. Ramnath Hiranman Shinde	}	Petitioner
versus		
Additional Collector, Nashik	}	
and Ors.	}	Respondents

Mr. Girish Agarwal for the petitioner.

Mr. B. V. Samant-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- FEBRUARY 21, 2018

P.C. :-

1. The petitioner made an application traceable, according to him, to section 36A of the Maharashtra Land Revenue Code, 1966. That provision restricts transfers of occupancies by a tribal. No occupancy of a tribal, after the commencement of the Maharashtra Land Revenue Code, 1966 and Tenancy Laws (Amendment) Act, 1974, can be transferred in favour of any non-tribal except on the application of such non-tribal and except with the previous sanction of the State Government. Therefore, when clause (a) of sub-section (1) of section 36A is invoked, the sanction is to be granted by the Collector and in all other cases by the Collector, but with previous approval of the State

Government. The Collector has, therefore, to take the requisite steps and it is stated that these steps have been taken and the records are forwarded to the State Government. However, though the records have been forwarded through the Divisional Commissioner, the State Government has not taken any action.

2. All that we direct is that let the requisite steps be taken or a decision as contemplated by the legal provisions as expeditiously as possible. We direct that this decision be taken by the State Government within a period of two months from the date of receipt of a copy of this order. We clarify that we have not expressed any opinion on the merits of the application.

3. With the aforesaid directions, the writ petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)