

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5947 OF 2018

Sadhnabai Nilkanth Dalvi	...	Petitioner.
V/s.		
The Collector, Nashik and others	...	Respondents.

Mr.R.D.Soni i/b. Ram & Co. for the petitioner.

Mr.P.G.Sawant, AGP for the respondents.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 16th October 2018.

P.C.:

Heard the learned counsel appearing for the petitioner and the learned AGP for the respondents. The challenge in this petition under Article 226 of the Constitution of India is to the communication dated 21st February 2018 issued by the State Government while dealing with the proposal for grant of previous approval contemplated by clause (b) of sub-section (1) of section 36A of the Maharashtra Land Revenue Code, 1966 Today, the learned AGP tendered across the bar a letter dated 15th October 2018 addressed to him by the Joint Secretary of the Revenue and Forest Department of the State Government. The said letter is taken on record and marked "L-1" for identification. In the letter, the State Government has stated that in view of the decision of this Court dated 24th February 2018 in Writ Petition No.9735/2017, the State Government is willing to

reconsider its decision. We accept the statement made in the letter dated 15th October 2018 and we dispose of this petition by passing the following order:

- (i) The impugned communication dated 21st February 2018 is quashed and set aside;
- (ii) We direct the State Government to reconsider the proposal dated 30th December 2015 submitted by the office of the Divisional Commissioner, Nashik as expeditiously as possible and, in any event, within a period of three months from today;
- (iii) The decision taken by the State Government shall be communicated to the District Collector, Nashik who shall pass appropriate order on the pending proposal on the basis of the decision of the State Government. Appropriate order shall be passed by the Collector within a period of six weeks from the date on which the decision of the State Government is communicated to him;
- (iv) Petition is disposed of on the above terms. All contentions on merits are kept open.

(M.S.SONAK, J.)

(A.S.OKA, J.)