

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 8634 OF 2017

Shri Kailas Khabaji Wagle and others. ... Petitioners.

V/s.

Additional Collector, Nashik and others. ... Respondents.

WITH

WRIT PETITION NO. 8506 OF 2017

Shri Sitaram Yashwant Gorale. ... Petitioner.

V/s.

Additional Collector, Nashik and others. ... Respondents.

WITH

WRIT PETITION NO. 4390 OF 2018

Shri Balu Dagadu Wagle and others. ... Petitioners.

V/s.

Additional Collector, Nashik and others. ... Respondents.

WITH

WRIT PETITION NO. 2122 OF 2018

Shri Balu Kacharu Aswale. ... Petitioner.

V/s.

Additional Collector, Nashik and others. ... Respondents.

Mr.Girish R. Agrawal for the petitioners in all the matter.

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

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

DATE : 4th September 2018.

P.C.:

Rule. Learned AGP waives service for the respondents. Forthwith taken up for final disposal.

2. The petitioners claim that they belong to the scheduled tribe. They applied to the District Collector under section 36A of the Maharashtra Land Revenue Code, 1966 (for short “the said Code”) for grant of sanction for sale of their occupancy rights in favour of a non-tribal. As per the annexures to the petition, the applications were processed and, accordingly, the Assistant Commissioner (Administration) in the office of the Divisional Commissioner, Nashik forwarded the proposals to the Principal Secretary of the Revenue and Forest Department, Mantralaya to enable the State Government to consider the prayer for grant of prior approval in accordance with clause (b) of sub-section (1) of section 36A of the said Code.

3. The learned AGP, on instruction, states that the proposals forwarded by the Divisional Commissioner are pending with the State Government. We find from the petitions that the proposals were forwarded to the State Government either in the year 2016 or 2017. A decision ought to have been taken on the said proposals within a reasonable time.

4. Accordingly, we dispose of these writ petitions by passing the following order:

- (i) We direct the State Government (Revenue and Forest Department) to take final decision on the question of grant of prior approval on the proposals submitted by the petitioners which are forwarded to the State Government by the office of the Divisional Commissioner, Nashik. Appropriate decision shall be taken within a period of two months from the date on which an authenticated copy of this order is produced in the office of the Principal Secretary, Revenue and Forest Department. The decision shall be communicated to the Additional Collector, Nashik who shall pass appropriate orders on the applications made by the petitioners under sub-section (1) of section 36A of the said Code. He shall pass appropriate orders on the applications made by the petitioners within a maximum period of two months from the date on which a copy of the order passed by the State Government is received by his office;
- (ii) We make it clear that we have made no adjudication on the merits of the applications;
- (iii) All the writ petitions are disposed of accordingly.

(M.S.SONAK, J.)

(A.S.OKA, J.)