

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 1818 OF 2017**

|                                 |               |
|---------------------------------|---------------|
| Prakash Sursing Sonawane & Anr. | ..Petitioners |
| versus                          |               |
| The State of Maharashtra        |               |
| Through its Secretary & Anr.    | ..Respondents |

Mr. Mayur V. Faria i/b. Mr. R. M. Agarwal for Petitioners.  
Mr. B. V. Samant – AGP for State.

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

**DATE : 17TH JANUARY, 2018**

**P. C. :**

1] The petitioners have sought a permission for transfer of the lands and which are governed by Section 36 of the Maharashtra Land Revenue Code, 1966. The 1st petitioner is a tribal and claims to be the original owner and when he was facing a serious financial crisis, he approached the 2<sup>nd</sup> petitioner and agreed to sell the property more particularly described in the petition.

2] They jointly made an application on 29<sup>th</sup> January 2016 requesting for Approval / permission to this transfer in terms of Section 36-A of that Code. The rules are prescribed and inquiry to be carried out and it is the Collector who has to carry out the same. The Collector has not communicated to the petitioners either rejection or allowing of the application. Its pendency therefore has forced the petitioners to move this

Court.

3] On the earlier occasion, we inquired from Shri Samant as to whether this application is disposed of or pending.

4] Mr. Samant informs us that the application is still pending. He says that the Competent Authority would require about 8 to 9 months to dispose of this application.

5] We do not approve of such requests as are made by Shri Samant on behalf of the concerned officials. We do not think that an application of this nature which is already pending for nearly two years can lie in the files of the District Collectorate.

6] In the circumstances, we direct that necessary inquiry in terms of the law shall be completed and a reasoned order to be passed as expeditiously as possible and in any event within a period of three months from today.

7] We dispose of the writ petition with these peremptory directions.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)

Chandka