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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.12823 OF 2017

Smt. Usha Rupabai Parmar ... Petitioner
Vs.
The State of Maharashtra and Ors. ... Respondents

Mr. Sandip Patade I/b. Mr. Kayval P.Shah for the Petitioner.
Mr. Y.S. Khochare, AGP for the Respondent Nos.1 and 2.

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

P.C. :

1 The learned counsel appearing for the petitioner seeks time as the concerned counsel is not available. However, we find that the only substantive relief claimed in this petition under Article 226 of the Constitution of India is to direct the District Collector to decide the application made by the petitioner under Section 36 and 36A of the Maharashtra Land Revenue Code, 1966.

2 There is an affidavit filed by Shri Navnit N. Patil, working in the District Collector's office, District Palghar to which a copy of letter dated 3rd January 2018 addressed to the petitioner has been annexed. Certain objections have been raised to the application made by the petitioner. The said letter records that application made by the petitioner has been rejected. However, the application can be reconsidered after compliances are made by the petitioner.

3 In fact, in the affidavit Shri Navnit N. Patil, Tahsildar has reiterated that after compliances are made by the petitioner, application would be decided on merits.

4 Therefore, the remedy of the petitioner is to either comply with the requisition or to challenge the impugned communication dated 3rd January 2018. By granting liberty to the petitioner to do the needful, we dispose of the Petition. The issue of legality and validity of the letter dated 3rd January 2018 is kept open.

(M.S. SONAK, J.)

(A.S.OKA, J.)