IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14019 OF 2017

Smt. Rukhmini Suresh Dokphode Petitioner
Versus
State of Maharashtra & Anr. Respondents

Mr.Rajeev K. Panday, Mr..Antony Foss i/b. PRS legal for the petitioner.
Mrs. M.P.Thakur, AGP, for the State.

CORAM : RANJIT MORE &
SMT. SADHANA S.JADHAV,JJ.
DATE : 20th April, 2018.

P.C. :

Heard the learned counsel.

2. The petitioner filed proceedings, being Adivasi Case No.118 of 2017 before the Addl. Tahsildar and A.L.T. Thane,under Sections 3 and 4 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (hereinafter referred to as “the said order”) in respect of survey Nos. 59/17 (part) and 59/18 situated at Village Chitalsar Manpada respectively. The Addl. Tahasildar & A.L.T. Thane by his order dated 19.7.1979 observed that the petitioner's case does not fall under Sections 3 and 4 of the said Act

and accordingly dropped the proceedings.,

3. The petitioner has not challenged the above order by filing an appeal. However, after a lapse of approximately 38 years has filed revision under Section 7 of the said Act before the Divisional Commissioner, Konkan Division. Since the said revision is beyond the period of three years, the petitioner has approached the State Government by filing representation dated 16.10.2017 (a copy of which is annexed at Exhibit “G” to the petition) for issuing directions to the Commissioner to entertain the appeal after expiry of the limitation period.

4. The petitioner has sought relief to direct the Revenue Minister of the State Government to decide the said application on its own merits.

5. The learned AGP submits that she has no instructions and therefore unable to make any submission.

6. In the above circumstances, we deem it convenient to dispose of the above petition by directing Respondent No.2 – Revenue Minister to decide the petitioner's representation dated 16.10.2017 (a copy of which is annexed at Exhibit “G” to the

petition) under the proviso to Section 7 of the said Act as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order. Ordered accordingly.

7. It is made clear that we have not gone into merits of the matter. All points and contentions are kept open.

8. In order to enable the Revenue Minister to comply with this order, the petitioner shall remain present before him on 2.5.2018 along with a copy of the representation and a copy of this order.

Writ Petition stands disposed of accordingly.

[SMT. SADHANA S.JADHAV, J.] ***[RANJIT MORE,J.]***