IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7075 OF 2018

Sudhir Poonamchand Agrawal
and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Rahul S. Pawar, Advocate for Petitioners.
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALE, JJ.
DATE : 22ND JANUARY, 2019.

FINAL ORDER :

. The only dispute raised by petitioners is that, the application of annual statement rate ready reckoner ought to be of the year the application was made seeking permission U/Sec. 36A of the Maharashtra Land Revenue Code (for short MLR Code) and not as on the date the order is passed.

2. The application is made by petitioners and the tribal U/Sec. 36-A of the M. L. R. Code seeking permission to sell the tribal land in the year 2013. The proposal was kept pending by the authorities. The petitioners approached this Court by filing Writ Petition No. 9205 of 2015. This Court under order dated

01st October, 2015 directed the respondents to decide the said proposal within a period of four months.

3. It appears that, same was not decided within four months and eventually said proposal was decided under order dated 20th December, 2016 and the permission was granted. The rate ought to be considered as on the date the application was filed. Of course, if the said application is complete in all respects.

4. It is not the case of respondents that, on the date application was submitted by the petitioner, the application was not complete in all respects. In fact, the petitioners had even approached this Court seeking directions against the respondents to decide the application given seeking permission U/Sec. 36A of the M. L. R. Code. The Apex Curt in a case of **Union of India and another Vs. Mahajan Industries Ltd.** reported in ***(2005) 10 SCC 203*** has considered the said aspect and held that rate as on the date of application is required to be considered.

5. In the light of the above, the charges that to be deposited and the valuation as on the date the application was made will have to be considered, as there was no deficiency on the part of petitioners. The delay was on the part of the respondents in deciding the application. The clauses in the G. R. dated

15.09.2010 would not be applicable to petitioners. The writ petition accordingly is disposed of. No costs.

[A. M. DHAVALE, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Jan. 19