

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 496 OF 2019

Shri Sopan Bayaji Dambale	.. Petitioner
Vs.	
Additional Collector, Nashik & Ors.	.. Respondent

Mr. Girish Agrawal for the Petitioner.
Mrs. P. N. Diwan, AGP for the Respondent Nos.1 to 4-State.

CORAM : R. M. BORDE & V. L. ACHLIYA, JJ.
DATE : 22nd JANUARY, 2019.

P. C. :

1. The Petitioner is praying for issuance of directions to Respondent No.3 to take decision on the proposal dated 20.04.2013 for grant of permission to transfer the land in favour of non-tribal individual in view of Section 36A of the Maharashtra Land Revenue Code, 1966. The Petitioner is a tribal land holder and has tendered an application to the Collector seeking permission to transfer the land in favour of non-tribal. Since the decision is required to be taken by the State Government, the proposal has been forwarded by the Divisional Commissioner for consideration to the State Government in the year 2013 and no decision is stated to have been taken. In the circumstances, this Petition can be disposed of by issuing directions to the State Government to take decision on the proposal forwarded to the State Government on 20.04.2013 in accordance with the provisions of law as expeditiously as possible and

preferably within eight weeks from today.

2. Learned Counsel for the Petitioner informs us that an earlier Petition presented by him bearing Writ Petition No. 11126 of 2015 has been dismissed for want of prosecution. Admittedly, the aforesaid Petition has not been decided on merits and the same has been dismissed on account of failure of Petitioner to remain present before the Court. Hence, the matter was called out.

3. In the circumstances, we do not find that dismissal of the earlier Petition for want of prosecution and in the circumstances stated before us shall be construed as an impediment for passing the order in the instant Petition.

4. In the above circumstances, the Writ Petition is, accordingly, disposed of.

5. Parties to act on the authenticated copy of this order.

[V. L. ACHLIYA, J.]

[R. M. BORDE, J.]