

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.796 OF 2020

Jagdishkumar Madanlal Gupta
& Anr.

..

Petitioners

Vs.

State of Maharashtra & Ors.

..

Respondents

...

Mr. S.M. Sabrad with Ms. Neha R. Parte for the Petitioners.

Mr. M.M. Paba;e. A.G.P. for the State i.e. Respondent Nos.1 to 6.

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**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 28th JANUARY, 2020.

P.C:-

1. Limited prayer sought by the Writ Petitioners is that the Applications (Ex-A) dated 22nd November, 2017 submitted to the Collector, Thane District, seeking permission to sell the land mentioned in the Applications by a tribal to a non-tribal be directed to be processed expeditiously by the Collector.

2. Under Section 36A of the Maharashtra Land Revenue

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Code, 1966 if a tribal intends to transfer his right in an agricultural land to a non-tribal, permission has to be obtained from the State.

3. Petitioner No.1, a non-tribal wants to purchase the land from Petitioner No.2, who is a tribal.

4. The Applications seeking transfer have been filed by both the Petitioners.

5. Thus, we see no reason why the Applications filed by the Petitioners though independently, but on the same date, be not processed by the Collector expeditiously.

6. The Petition is disposed of directing the Collector, District Thane, to process the Applications (Ex-A) within six weeks from today and forward the same to the Divisional Commissioner i.e. Respondent No.5, who in turn would forward the same to the State for approval. If the approval is granted, the Collector would accord the necessary permission. If the approval is refused, reasons thereof would be communicated. The process would be completed within twelve weeks from today.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)