

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10561 OF 2019

Shri. Dattatray Shankar Lagad & Ors.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. S. M. Sabrad a/w Ms. Neha R. Parte, Advocates for the Petitioners.
Ms. Nisha Mehra, AGP for Respondent Nos.1 to 5.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 22nd JANUARY, 2020

P.C.

1] Additional affidavit filed by Respondent Nos.1 to 4 is taken on record.

2] One Ganya Shravanya Katkari, a member of a Scheduled Tribe, owns 8 Hectares 98 Ares land in Survey No.24/0, at Mouje Jambhulpada, Taluka Sudhagar, District Raigad. He desired to sell the same to the Petitioners. Required by the provisions of the Maharashtra Land Revenue Code, 1966 an application was filed before the Collector, District Raigad seeking permission for sale of the land. The object of the legislation is obviously to ensure that tribal are not cheated.

3] The 4th Respondent i.e. Additional Collector, Raigad drew

up a report dated 18th March 2013. He forwarded the same to the Divisional Commissioner who in turn forwarded the same to the State Government in August 2013. Recorded in the report that the land was abutted the road, a favourable recommendation was made to the State Government to accord the necessary approval.

4] Since the appropriate authority did not pass any final order on the application submitted, the Petitioners were constrained to file Writ Petition No.793 of 2015 in this Court which was disposed on 9th February 2015 issuing a direction that the necessary decision be taken and communicated to the Petitioners within three months.

5] There being non-compliance with the order, the Petitioners filed Contempt Petition Stamp No.7033 of 2019 in which a show-cause notice was issued. Before the Contempt Petition could be disposed of vide letter dated 22nd August 2019 the Petitioners were informed that the request was rejected inasmuch as there was no road abutting the land proposed to be sold by Ganya Shravanya Katkari to the Petitioners.

6] The affidavit filed today affirms the fact that a road abuts the land in question.

7] Since the very basis of the above decision communicated on 22nd August 2019 has been knocked off by the additional affidavit filed by Respondent Nos.1 to 4 today, we dispose of the Petition

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quashing letter dated 22nd August 2019 and simultaneously direct that necessary approval for sale of the land be granted to the Petitioners and seller of the land i.e. Ganya Shravanya Katkari within six weeks from today.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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by Balaji G.
Panchal
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