

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2452 OF 2019

Mr. Mahadeo Vithu Warathi ... Petitioner

Versus

State of Maharashtra and another ... Respondents

Mr. N.B. Rathod, Advocate for Petitioner.

Mr. A.S. Fulzele, Additional Government Pleader for Respondents.

**CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ
DATE : 5 FEBRUARY 2021**

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioner had filed this Petition seeking a direction to the Respondents to sanction the application of the Petitioner filed under Section 36A of the Maharashtra Land Revenue Code 1966 within stipulated time. According to the Petitioner, as a member of Scheduled Tribe, he is desirous of selling the land to non-tribal and therefore under the provisions of Section 36A of the Code, permission was required, which is not being granted. During the pendency of the Petition, by order dated 9 September 2019, the Respondents have rejected the proposal. The Petitioner has challenged the said order by way of an amendment. Perusal of the order shows that the application is rejected not on merits but because

the proposal did not contain the particulars to ascertain whether the transfer was for *bonafide* use. The order itself has given liberty to the Petitioner to re-submit the application. That being the position, it is necessary to keep the Petition pending.

3. The learned Counsel for the Petitioner states that the Petitioner will re-apply with necessary particulars within a period of six weeks from today. Considering the fact that the first application of the Petitioner was made in the year 2012, the Respondents will take a decision upon the Petitioner's proposal within a period of twelve weeks from the date of its submission.

4. The Writ Petition is accordingly disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Lanjewar

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