

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 WRIT PETITION NO.775 OF 2021

**DHEDU HODLYA MAVCHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. D. S. Bagul
AGP for Respondents/State: Mr. S. B. Pulkundwar

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**CORAM : NITIN W. SAMBRE &
S. G. CHAPALGAONKAR, JJ.**

DATE : 18.04.2023

PER COURT :

1. The prayer of the petitioners, who are tribals for permission to transfer the land to non-tribals moved on 19th January, 2010 was duly recommended by the revenue authorities viz. Tahsildar etc.
2. The fact remains that for last more than 13 years, the said prayer of the petitioners is not taken to its logical end in spite of there being positive recommendations from the revenue authorities.
3. The petitioners are aggrieved by the communication issued by the Deputy Collector, Revenue on 14th October, 2022, wherein, the said authority has sought the non-agricultural valuation of the year 2020-2021 of the land in question.
4. According to the learned counsel for the petitioners in the matter of grant of permission, the *Nazrana* to be paid has to be as was existing on the date of application and not on the date of the decision. So as to substantiate the aforesaid contention, he has relied on the orders of this Court, in Writ Petition No.1870/2023 [Sanjay Kailas Agrawal Vs. State of Maharashtra & Ors.], Writ Petition No.1479/2016 [Janabai Budhya Gavit & Ors. Vs. State of

Maharashtra & Ors.] and Writ Petition No.14247/2018 [Sumit Dnyaneshwar Nagar Vs. State of Maharashtra & Ors.].

5. The learned AGP Mr. Pulkundwar would oppose the prayer as according to him, the petitioners initially proposed to sell the land to a person who has expired and as such who has intention to sell the land to some other person which developments took place in 2020, as were prevailing in 2020 will be required to be taken into account.

6. We have appreciated the submissions.

7. It appears that vide impugned communication, the Deputy Collector, Revenue has only called for NA valuation of the subject property for the year 2021, however, has not passed any adverse order to the interest of the petitioners.

8. We deem it appropriate to dispose of the petition with following observations that as and when the process of grant of permission which is moved by the petitioners way back in 2010 is directed to be expedited. We direct the State Government to take decision on the application of the petitioners moved under Section 36-A of the Maharashtra Land Revenue Code in any case within a period of four months from the date of production of the order.

9. The respondent/Sub Divisional Officer who has issued the impugned communication while further processing the case shall be sensitive to the orders referred above delivered by this Court in three matters in relation to the deposit of *Nazrana*.

10. With the above observations, the writ petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

Sameer