



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2070 OF 2022**

Rajendra Vishnu Bhadange & Anr.

....Petitioners

V/s.

State of Maharashtra & Ors.

....Respondents

Mr. Reddy (Aradwad) Jagdish for Petitioners.

Ms. K. N. Solunke, AGP for Respondents-State.

**CORAM : K. R. SHRIRAM &
Dr N K Gokhale, JJ.**

DATED : 24th AUGUST 2023

PC. :

1 It is Petitioners' case that Petitioners are adivasi/tribal people. Petitioners wish to sell/transfer their land to non-tribal people/entity. Mr. Reddy states that the land is non-agricultural land and therefore, there can be no restriction under Section 36A of Maharashtra Land Revenue Code, 1966.

2 Ms Solunke appearing for State refers to affidavit of one Makarand P Deshmukh affirmed on 23rd March 2022 for Respondent No.2, the Divisional Commissioner (Revenue). In the affidavit it is stated that the proposal of Petitioners for relaxation under order dated 27th January 2021, particularly the Conditions No. 55 and 56, is pending before Respondent No.1. Ms. Solunke states that Petition is, therefore, pre-mature. Ms. Solunke further states that Respondent No.1 will dispose Petitioners' proposal within

such time as the Court may reasonably grant.

3 We dispose the Petition with direction to Respondent No.1 to dispose Petitioners' proposal on or before 31st October 2023. Before passing any order, Respondent No.1 shall give a personal hearing to Petitioners, notice whereof shall be communicated at least five working days in advance. The order to be passed shall be a reasoned order dealing with all submissions of Petitioners.

4 Petition disposed. We clarify that we have not made any observation on the merits of the matter.

(Dr N K Gokhale, J.)

(K. R. SHRIRAM, J.)