

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15674 OF 2022

Soma Dattu Avate & Anr.

..... Petitioners

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Amey Sawant, a/w. Ms.Gracy Saldanha for the Petitioners.

Mr.A.P.Vanarase, A.G.P. for the State.

CORAM: R. D. DHANUKA AND

M.M. SATHAYE, JJ.

DATE : 12TH JANUARY, 2023

P.C:-

Rule. Learned A.G.P. waives service for the respondents. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek writ of mandamus against the respondent no.3 to decide the application dated 15th January, 2011 of the petitioners within the time prescribed in prayer clause (b) and for various further directions to the other respondents to take decision under clause (b) of sub-section (1) under section 36A of the Maharashtra Land Revenue

Code, 1966.

3. Learned counsel for the petitioners tenders a copy of the order dated 25th November, 2022 passed by this Court in Writ Petition No. 14041 of 2022 with companion petition filed by Mr.Sunil Dattatray Umte vs. State of Maharashtra & Ors. and submits that the identical order be passed by this Court in view of the issue involved therein are identical.

4. Learned A.G.P. for the respondents does not dispute this position that the issue involved in the said Writ Petition No. 14041 of 2022 and in this petition are identical. The application filed by the petitioners on 15th January, 2011 is still pending.

5. We accordingly pass the following order :-

(a) The Collector, Thane shall forward the said report/recommendation to the respondent no.5 Divisional Commissioner within four weeks from today.

(b) The Divisional Commissioner shall within four

weeks from the date of receipt of the report/recommendation from the respondent no.3 Collector, Thane submit his report/recommendation to the respondent no.1 State Government.

(c) The State Government shall within a period of 12 weeks from the date of receipt of the report/recommendation from the Divisional Commissioner take its decision in accordance with Clause (b) of sub-section (1) under section 36A of the Maharashtra Land Revenue Code, 1966 and forward the same to all concerned.

6. Writ petition is disposed off. Rule is made absolute. No order as to costs. The parties to act on the authenticated copy of this order.

[M. M. SATHAYE, J.]

[R. D. DHANUKA, J.]