

Prasad Rajput

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14584 OF 2024
WITH
WRIT PETITION NO.14671 OF 2024
WITH
WRIT PETITION NO.14672 OF 2024
WITH
WRIT PETITION NO.14673 OF 2024
WITH
WRIT PETITION NO.14674 OF 2024
WITH
WRIT PETITION NO.14676 OF 2024
WITH
WRIT PETITION NO.14677 OF 2024
WITH
WRIT PETITION NO.14678 OF 2024
WITH
WRIT PETITION NO.14679 OF 2024
WITH
WRIT PETITION NO.14680 OF 2024

Raakesh Rajendrakumar Agarwal .. Petitioner
Versus
State Of Maharashtra Thr. Revenue Minister and
Ors. .. Respondents

WITH
INTERIM APPLICATION (ST) NO.12982 OF 2025
IN
WRIT PETITION NO.14678 OF 2024

Thakubai Atmaram Bhoir Alias Thakubai Raghu
Naik .. Applicant
Versus
Raakesh Rajendrakumar Agarwal and Ors. .. Respondents

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- Mr. Kishor Patil a/w Mr. Amol Mhatre and Ms. Sonal Dabholkar, Advocates for Petitioner.
 - Ms. Molina Thakur, AGP for Respondent – State in all Petitions.
 - Mr. Nilesh Wable, Advocate for Intervenor in IA (st) No.12982 of 2025 in WP No.14678 of 2024.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 08, 2025

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner; Ms. Thakur, learned AGP for Respondent – State and Mr. Wable, learned Advocate for Intervenor.

2. Subject matter of challenge in the present group of 10 Writ Petitions are identical orders passed by the Revenue Minister dated 02.08.2024 upholding order dated 01.08.2022 passed by the Addl. Divisional Commissioner, Konkan Division, Mumbai in RTS Appeal proceedings which upheld the principal order passed by the Collector. Dates of orders passed by the Collector, the Addl. Divisional Commissioner and the Revenue Minister in the RTS proceedings are all identical in the 10 Writ Petitions. The only distinction being description of the subject properties pertaining to the different private Respondents in the group of Petitions and nomenclature of the Special Civil Suit proceedings which were filed by Petitioner before the Civil Court, Vasai against them.

3. Description of subject properties belonging to the private Respondents who are tribals is depicted hereinunder *qua* each of the Writ Petition which are argued before me by the learned Advocate for the Petitioner at the bar:-

Sr. No.	WP No.	Description of Subject Property
1	14584/2024	Survey Nos. 184/1, 191/1, 190/1, 192/2, 194/7 & 185/3, situated at village Chandrapada, Taluka- Vasai, District- Palghar
2	14671/2024	Survey Nos. 65/1 & 66/2, situated at village Bapane, Taluka- Vasai, District-Palghar
3	14672/2024	Survey Nos. 184/2 & 197/2, situated at village Chandrapada, Taluka-Vasai, District- Palghar.
4	14673/2024	Survey Nos. 84(p) & 83/1, situated at village Bapane, Taluka- Vasai, District-Palghar.
5	14674/2024	Survey No. 12(p) situated at village Bapane, Taluka- Vasai, District- Palghar.
6	14676/2024	Survey Nos. 186/2, 188/2 & 192/7, situated at village Chandrapada, Taluka- Vasai, District- Palghar.
7	14677/2024	Survey No. 186/1, situated at village Chandrapada, Taluka Vasai, District Palghar.
8	14678/2024	Survey No. 86/2, situated at village Bapane, Taluka Vasai, District- Palghar
9	14679/2024	Survey No. 195(p) situated at village Chandrapada, Taluka-Vasai, District- Palghar
10	14680/2024	Survey Nos. 192/5, 194/3, 185/5 & 186/5 situated at village Chandrapada, Taluka Vasai, District-Palghar.

4. Mr. Patil, learned Advocate for Petitioner would submit that the Petitioner has filed the aforesaid Writ Petitions challenging identical orders passed by the Revenue Minister dated 02.08.2024, the order passed by the Divisional Commissioner dated 01.08.2022 and the order passed by the District Collector dated 27.04.2022 refusing permission to the Petitioner under Sections 36 and 36A of the Maharashtra Land Revenue Code, 1966 (for short '**MLRC**') for grant of sale permission for tribal land.

4.1. He would submit that Petitioner before filing of the present proceedings entered into agreement of sale with the tribals (private Respondents) for valuable consideration and by the said agreement the Respondent - tribals agreed to obtain statutory permissions from the Collector and execute conveyance in favour of Petitioner. He would submit that as the private Respondents did not perform their part of the contract, Petitioner filed separate Civil Suits for specific performance against all private Respondents and the said Suits were decreed by the learned Civil Court in favour of the Petitioner.

4.2. He would submit that the Decrees of the Civil Court directed the Petitioner to deposit the balance amount of consideration and simultaneously directed private Respondents to obtain statutory permission necessary for executing the conveyance. However the

Respondents did not abide by the decrees of the Civil Court and did not file Application for obtaining permissions under Sections 36 and 36A of the MLRC.

4.3. He would submit that it is in these circumstances, Petitioner filed Application before the Collector for obtaining permission under Sections 36 and 36A of the MLRC.

4.4. He would submit that Petitioner has complied with all the formalities as required before the Tahasildar, infact, as the Civil Court had passed a decree in favour of the Petitioner, the Petitioner submitted that requirement of consent Affidavit of the private Respondents tribals is not necessary however the said Application filed by Petitioner was not accepted by the Collector and therefore the Petitioner had to approach this Court after the order of Collector was upheld by the Additional Commissioner and the State.

4.5. He would submit that in the light of the aforesaid facts and circumstances Petitioner may be permitted to approach the Collector to comply with all outstanding compliances in addition to the compliance made till date under the provisions of Sections 36 and 36A of the MLRC, 1966 alongwith applicable orders prescribed thereunder.

5. From the above submission and record of the case it is *prima facie* seen that insofar as Petitioners' substantive rights are concerned they are governed by the decrees passed by the Civil Court which for the purpose of implementation would be rendered completely otiose if the Petitioners are denied from complying with the statutory obligations. From the Statutory provisions prescribed under Sections 36 and 36A of MLRC it is seen that statutory permission of the Collector who is the Competent Authority is required but for procuring that permission insofar as agreement between Petitioners and private Respondents (tribal) is concerned the same has already been fructified by virtue of the decrees passed by the Civil Court, details of which are given hereinabove *qua* the respective properties.

6. Mr. Patil, learned Advocate for Petitioner would persuade the Court to allow Petitioner to approach the Collector. In fact, such a request made by Mr. Patil on the face of record may not stand because order of the Collector passed in the present case itself governs and directs compliances to be made by the Petitioner. In that view of the matter there was no reason for the Petitioner to have approached the Addl. Divisional Commissioner for challenging the order of the Collector. Once the order of the Collector is precise in terms of requiring effective compliance under Sections 36 and 36A of the

MLRC, 1966 read with the Rules prescribed therein, all that was required to be done by the Petitioner was to fulfill the compliances. Compliances in the present case would undoubtedly be fulfillment of all statutory conditions which are prescribed under the provisions of Section 36 read with 36A of the MLRC, 1966 in the case of sale of tribal land by a tribal to a non tribal so as to ensure that the tribal is not exploited with respect to his land holding and he gets a reasonable market value for the same which is to be certified by giving a sale permission by the Collector.

7. In view of the above facts in the present case there is no reason as to why the Petitioner who is the purchaser of the subject lands should not be given an opportunity to comply with the statutory provisions as per the Collector's order dated 27.04.2022. In that view of the matter appropriate directions are passed to the Collector to hear the Petitioner afresh after all requisite outstanding compliances in respect of the subject matter of dispute raised by the Petitioner before the Collector and after hearing all concerned parties including the private Respondents - tribal (seller of the tribal lands) pass appropriate orders in accordance with law.

8. All contentions of the Petitioner and other parties are expressly kept open.

9. It is directed that Collector shall complete the exercise of passing appropriate orders on the Applications filed by the Petitioner within a period of twelve weeks from today.

10. In view of this order, orders dated 02.08.2024 passed by the Revenue Minister and order dated 01.08.2022 passed by the Addl. Divisional Commissioner in all 10 matters stand quashed and set aside reviving the principal Applications filed by the Petitioner before the Collector in the case of all 10 Writ Petitions.

11. Liberty to apply in case of any difficulty.

12. With the above directions, above captioned Writ Petitions are disposed. In view of disposal of Writ Petition No.14678 of 2024, Interim Application No.12982 of 2025 is also disposed.

[MILIND N. JADHAV, J.]