

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11012 OF 2025

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Kashinath Jagan Shinwar

...Petitioner

Versus

The Union Minister & Ors.

...Respondents

Mr. Rohan Mahadik a/w Mekhala More, Bharvi Samel i/b. The Juris Partners for the Petitioner.

Mr. Chandrakant Chavan for Respondent No.1.

Ms. Swati Sagvekar for Resettlement No.5.

Mr. N. C. Walimbe, Addl.G.P. a/w Ms. P. M. Joshi-Deshpande, AGP for the State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 07th OCTOBER 2025

P.C.

1. This Petition is filed under Article 226 of the Constitution of India praying for the following substantive reliefs:-

“a. That This Hon'ble Court be pleased to pass an order thereby directing the Respondent Nos. 1 to 4 to forthwith restore the land bearing Survey No. 94, 101 (part), 157 (part), 148 (part) situated at Village Nilemore, Nalasopara West, Taluka Vasai, District Palghar or provide alternate land under the provisions of under Section 36A of the Maharashtra Land Revenue Code, 1966;

b. This Hon'ble Court be pleased to issue appropriate direction to the Respondents thereby directing the Respondent Nos. 1 to 4 to put the Petitioner in possession of the land bearing Survey No. 94, 101 (part), 157 (part), 148 (part) situated at Village Nilemore, Nalasopara West, Taluka Vasai, District Palghar;

c. This Hon'ble Court be pleased to issue appropriate direction to the Respondent thereby directing the Respondent Nos. 1 to 4 to decide the representation dated 08.04.2025 and 06.05.2025 filed by the Petitioner and submit report to this Hon'ble Court within 8 weeks from the date of the order of this Hon'ble Court;

d. Pending the hearing and final disposal of this petition this Hon'ble Court be pleased to direct the Respondent No. 1 to 4 to forthwith restore the land bearing Survey No. 94, 101 (part), 157 (part), 148 (part) situated at Village Nilemore, Nalasopara West, Taluka Vasai, District Palghar or provide alternate land under the provisions of under Section 36A of the Maharashtra Land Revenue Code, 1966;

e. Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to pass an order thereby restraining the Respondents to maintain status quo;

f. Interim or Ad-interim relief in terms of prayer clauses (d) and (e) above be granted;

g. This petition be finally allowed with costs;

h. Such other just and equitable orders in favour of the Petitioner as the nature and circumstances of the case may require.”

2. The Petitioner is primarily aggrieved by the inaction on the part of Respondent Nos. 1 to 4 in not deciding his applications/representations dated 8th April 2025 and 6th May 2025 filed by the Petitioner before them. The Petitioner accordingly is seeking appropriate directions to Respondent Nos. 1 to 4 to forthwith restore the land in his favour who is a tribal (Adivasi land holder) under the provisions of Section 36A of the Maharashtra Land Revenue Code, 1966 which has been illegally transferred. The Petitioner has made these representations considering the circular issued by the Department of Revenue and Forest to the Collector Office to inquire and act upon all the illegal transfer of tribal (Adivasi land) which have been taken over without requisite permissions from the Collector/ Government of Maharashtra. It is also the Petitioner's contention that under Section 36A of the Maharashtra Land Revenue Code, 1966 there is a

restriction on the transfer of tribal land to non tribals, prohibiting sale, gift, exchange, mortgage or lease without prior sanction, except in any specific cases like vital government projects. The Petitioner has accordingly made representations dated 8th April 2025 and 6th May 2025 to Respondent Nos. 1 to 4 which are pending consideration.

3. The grievance of the Petitioner is that if such applications/representations need to be taken to its logical conclusion and the same therefore ought to be looked into and decided in an expeditious manner and as the law would mandate.

4. In view of the limited reliefs the Petitioner seeks in the present Petition and although there being no written opposition/reply of the Respondents and considering the nature of the orders which we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice:-

ORDER

- i. Respondent Nos. 1 to 4 to consider and decide the pending applications/representations dated 8th April 2025 and 6th May 2025 filed by the Petitioner, in accordance with law and as expeditiously as possible, preferably within a period of six weeks from the date this order is made available to the said Respondent by the Petitioner.
- ii. Let all the parties be heard.
- iii. All rights and contentions of the parties are expressly kept open.
- iv. The Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)