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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4630 OF 2014

Shri. Sunil Nemchand Shah & Ors.

... Petitioners

Vs.

State of Maharashtra and Ors.

... Respondents

Mr. Vilas B. Tapkir, for the Petitioners.

Mr. S.N. Patil, AGP, for the Respondent Nos.1 to 4.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 8th JANUARY, 2015

PC.

. Heard the learned counsel appearing for the Petitioners and the learned AGP for the Respondents. Affidavit of Shri Sameer Mansingrao Shingate, the Sub-Divisional Officer, Daund-Purandar, District Pune is placed on record. We have perused paragraphs 6 to 8 of this affidavit which are relevant as far as the first part of the substantive prayer in the Petition is concerned. It records that the District Collector on 5th September, 2014 has submitted a report to the Divisional Commissioner as regards the fixing rates of assessment. After considering the said report, the Divisional Commissioner has submitted a recommendation to the State Government as regards the rates of assessment. The affidavit records that the said proposal submitted by the Divisional Commissioner on 31st December, 2014 is pending.

2. The second part of the substantive prayer in this Petition seeks a direction to allot the lands in question to the Petitioners as well as to the concerned villagers of Village Daund on ownership basis. On this aspect, in the affidavit, it is stated that the lands have been allotted to the villagers by treating the same as 'B' Tenure lands on lease. It is pointed out that the leases have expired long back.

3. We do not see any right in the Petition to seek allotment on the ownership basis.

4. In the report dated 31st December, 2014 submitted by the Divisional Commissioner to the State Government, apart from recommendation regarding fixing the assessment, it is stated that the lands have been granted on lease during the British regime and, therefore, the decision for extension of lease period will have to be taken by the State Government.

5. As far as the issue regarding the rates of assessment is concerned, now the matter is under the consideration of the Government. We, therefore, direct the State Government to take appropriate decision on the proposal dated 31st December, 2014 submitted by the Divisional Commissioner of Pune as expeditiously as possible. As regards seeking allotment on ownership basis, though the

Petitioners have no right to claim the allotment on ownership basis, it is ultimately for the State Government to decide whether the period of existing leases should be extended or whether the allotment should be made on ownership basis in accordance with law. The State Government will have to take appropriate decision in this behalf. However, no writ can be issued as prayed for.

6. Subject to above direction, the Petition is disposed of.

(A.K. MENON, J)

(A.S.OKA, J)