

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4735 OF 2010

[Prafullachandra s/o Kisan Walokar .vs. State of Maharashtra and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri B.N. Mohta, counsel for the petitioner,
 Shri S.M. Bhagde, Assistant Government Pleader for the respondent nos.1 to 4 & 6,
 Shri A.J. Thakkar, counsel for the respondent no.5,
 Shri M.G. Bhangde, senior counsel with Shri S. Tapadiya, counsel for the respondent
 no.7.

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CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 28, 2015.

By this petition, the petitioner seeks a declaration that there is no hurdle in allowing the application filed by the petitioner for conversion of land Survey No.247/2 to non-agricultural use. The petitioner challenges the letter of the Collector, Akola dated 4.6.2010 postponing the decision on the application filed by the petitioner for conversion of land survey no.247/2 to non-agricultural use.

The father of the petitioner by name Kisan was the owner of land survey no.247. After the death of the father of the petitioner, land survey no.247 was partitioned between the petitioner and his brother. The petitioner became the owner of land survey no.247/2, whereas his brother became the owner of land survey no.247/1. The petitioner applied for conversion of land survey no.247/2 to non-agricultural use, but the said application was kept pending on the ground that the land of the petitioner was being reserved for extension of school and the same was liable to be acquired.

Shri Bhagde, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 4 and 6, states that land survey no.247/2 is being measured along with land survey no.247/1. It is stated that there is a modification of the development plan under

Section 37 of the Maharashtra Regional Town Planning Act, 1966. It is stated that after the joint measurement, the land acquisition proceedings would be initiated.

In view of the statement made in the affidavit-in-reply filed on behalf of the respondent nos.1 (ii) & 6, the petition is disposed of by directing the respondents to consider the application filed by the petitioner for conversion of land survey no.247/2 to non-agricultural use, in case it is found, after joint measurement that the land of the petitioner bearing survey no.247/2 is not reserved for any purpose in the development plan. In case, on the joint measurement, it is found that the land of the petitioner is reserved in the development plan for extension of school or for any other purpose, the petitioner could take up appropriate proceedings. Order accordingly. No costs.

JUDGE

JUDGE

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