

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

C.A.W. NO.487/2015
IN
WRIT PETITION NO.6294/2013

Shri Shantilal s/o Baglal Shah

..Versus..

Shri Godiji Parshwanath Maharaj Sanstha, Balapur and others

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATE : 3.8.2015

Heard Shri C.A. Joshi, learned advocate for the respondents 1(i), 1(ii), 1(vi) and 1(vii) and Shri R.D. Bhuibhar, the learned advocate for the petitioner.

The respondent has filed this application praying that the petitioner be directed to pay the occupation charges at the rate of Rs.2,90,000/- per year from 17th April, 2015 till the disposal of the petition. It is submitted that as per the ready reckoner the valuation of the agricultural land which is being cultivated by the petitioner comes around Rs.6 Crores and the petitioner is taking yield of more than

Rs.10,000/- per acre from the suit field. In support of the claim, reliance is placed on the judgment given by this Court in the case of *Super Max International Pvt. Ltd. & Ors. V/s. M/s. R.M. Choksey & Co.* reported in **2009(3) ALL MR 528**.

Undisputedly, the petitioner is cultivating 29 acres of agricultural land in respect of which the dispute is pending before this Court. Considering the nature of dispute, in my view, it would be appropriate to direct the petitioner to pay Rs.60,000/- per year as occupation charges to the respondent no.1 till the decision of the present writ petition. The amount of occupation charges shall be paid from 2015 - 2016 by demand draft. The amount of occupation charges for 2015 - 2016 shall be paid till 1st November, 2015.

As far as the arrears are concerned, the petitioner is directed to furnish solvent surety for the sum of Rs.4,20,000/- to the satisfaction of the Registrar (J.) of this Court. The solvent surety shall be furnished within three months.

The judgment given in the case of *Super Max International Pvt. Ltd. & Ors. V/s. M/s. R.M. Choksey & Co. (cited supra)* does not assist the contentions of the respondent as the dispute in that case was under the provisions of the Maharashtra Rent Control Act and the

property involved in the dispute was situated at Mumbai. In the present case the dispute is in respect of an agricultural land.

The petitioner shall continue to pay the occupation charges every year till 1st November, till the disposal of the petition.

The civil application is partly allowed in the above terms.

JUDGE

Tambaskar.