

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

27 WRIT PETITION NO. 12493 OF 2015
PRABHAKAR ANANTRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.H. Panchal h/f Mr. Garud V.B.
AGP for Respondents: Mr.S.B. Pulkundwar

...
CORAM : R. M. BORDE, J.
Date: March 07, 2016
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PER COURT :-

1 The petitioner is challenging the order passed by the State Government, on the ground that, although the Appeal has been allowed and the petitioner has been permitted refund of the amount deposited by him under protest, no interest has been directed to be paid thereon while permitting the refund.

2 There is no mandate of law, as regards payment of interest. Apart from this, the petitioner deposited the amount under protest, in order to facilitate him to use the property for non agriculture purpose. The petitioner, of his own, submitted to the directions in respect of payment of penalty and the amount towards the non-agriculture conversion charges.

3 In the facts of the case, I do not find any irregularity in the order passed by the State Government, in allowing the appeal and directing refund of the amount without any direction in respect of payment of interest. In exercise of extraordinary jurisdiction under article 227 of the Constitution of India, no interference is called for. The writ petition is devoid of substance and hence dismissed.

(R. M. BORDE, J.)