

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

WRIT PETITION NO.3180 OF 2016

[Balchand Ukanda Jadhao .vs. The 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

None for the petitioner,
Shri S.M. Ghodeswar, AGP for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 30, 2016.

By this writ petition, the petitioner seeks a declaration that the respondent nos.2 and 3 have undervalued the agricultural land of the petitioner, that was acquired by them vide sale deed, dated 29.12.2015.

The petitioner was the owner of the land situated in Shivanagar, Tahsil - Karanja (Lad). The land of the petitioner was sought to be acquired by the respondents and the same was valued by the respondent no.3 at Rs.1,52,567/- per hector. A sale deed was executed by the petitioner and the respondent nos.2 and 3 and the land of the petitioner, ad-measuring 1.08 H.R. was sold by the sale deed. Though the sale deed was executed by negotiations between the parties, the petitioner has filed this petition for a declaration that the respondent nos.2 and 3 have undervalued the land belonging to the petitioner. It is stated that as per the sale deed the consideration was paid at the rate of Rs.1,52,567/-, whereas the petitioner subsequently learnt, after making enquiry, that the market value of the land at the relevant time was Rs.3,20,000/- per hector. In the aforesaid set of facts, the petitioner has sought a declaration that the land of the petitioner was undervalued. The petitioner has sought

a direction against the concerned respondents to pay the difference in amount to the petitioner by treating the market value of the land of the petitioner to be Rs.3,20,000/- per hector.

The relief sought by the petitioner cannot be granted. It would not be proper for this court to consider and decide the dispute as to what would be or what would have been the market value of the land at the relevant time. The issue involved in this case could be decided only on the basis of oral and documentary evidence. It is apparent from the record and the averment made in the writ petition that the sale deed was executed after the land was valued and the parties negotiated. If that be so, the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction.

In the circumstances of the case, we dismiss the writ petition, with no order as to costs.

JUDGE

JUDGE

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