

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.951 OF 2018

1. Sudhakar Gomaji Jadhav,
Age 78 years, Occu. Retired
 2. Smt.Sumanbai Sudhakar Jadhav,
Age 73 years, Occu. Agriculture
 3. Abhishek Prabhakar Jadhav,
Age 22 years, Occu. Education
 4. Akshay Sudhakar Jadhav,
Age 22 years, Occu. Education,
- All r/o Sidharthnagar, Chitod road,
Taluka and District Dhule

.. Petitioners

Versus

1. The State of Maharashtra,
Through Forest & Revenue
Department, Mumbai,
Mantralaya, Mumbai
2. The Collector, Jalgaon,
Taluka and District Jalgaon

.. Respondents

Mr Sanket S. Kulkarni, Advocate for petitioners
Mr S.S. Dande, A.G.P. for respondents no.1 and 2

**CORAM : R.M. BORDE AND
A.M. DHAVAL, JJ.**

DATE : 6th June 2018

ORAL JUDGMENT (Per R.M. Borde, J.)

1. Rule. With the consent of the parties, the petition is taken up for final disposal at admission stage.
2. The petitioners are objecting to the order dated 29.7.2017 passed by the Collector, Jalgaon directing the petitioners to deposit Najrana/conversion charges as per the rates prescribed after 1.4.2017. The petitioners by virtue of order dated 31.3.2017 were directed to deposit sum of Rs.25,82,000/- towards 50%

Najrana/conversion charges considering the value of the property as Rs.51,64,000/- before 31.3.2017. The petitioners were communicated to deposit the amount on 31.3.2017 and were directed to pay the same on the same day. Since the petitioners could not deposit the amount on the aforesaid date, the Collector has proceeded to issue the impugned order.

3. In view of Government Resolution dated 2.8.2008, the petitioners are entitled to deposit the amount within a period of three months from the date of the order. The amount of Najrana determined by the revenue authority and the order issued would be operative for a period of three months and it would be an obligation of the applicant to deposit the amount within a period of three months in view of the Government Resolution dated 2.8.2008.

4. The directions issued to the petitioners by virtue of order dated 31.3.2017 to deposit the amount on the same date itself is contrary to the Government Resolution dated 2.8.2008 and the petitioners are entitled to avail of the period of three months for depositing the said amount. In fact, the petitioners expressed willingness to deposit the amount within time stipulated, however, the same was not accepted. The order impugned in this petition passed by the Collector, Jalgaon on 29.7.2017 is contrary to the policy prescribed by Government Resolution dated 2.8.2008. Apart from this, in view of the decision rendered by the Supreme Court in the matter of **Union of India and anr. Vs. Mahajan Industries Ltd., and anr.**, reported in **2005 (10) SCC 203**, the crucial date for calculating the conversion charges is the date of receipt of application for conversion. The same analogy

deserves to be applied in the instant matter. The respondents – authorities are entitled to claim the amount considering the valuation of the property prescribed for the year in which the application is tendered by the applicant for regularisation. In the instant matter, the application is tendered by the petitioners on 14.3.2015 and as such, the valuation prevailing on the aforesaid date shall govern the computation of Najrana amount.

5. For the reasons aforesaid, the order passed by the Collector, Jalgaon is not sustainable and deserves to be quashed and set aside and the same is accordingly quashed and set aside.

6. The petitioners shall deposit the amount as directed by the Collector in view of communication dated 31.3.2017 within a period of six weeks from today.

7. Rule is accordingly made absolute with no order as to costs.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)

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