

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12366 OF 2016

Ashok Champalal Jain

.... Petitioner

Vs.

The State of Maharashtra & Others

.... Respondents

Mr. Suresh M. Sabrad for the Petitioner.

Mr. A.I. Patel, Addl. G.P. for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JANUARY 15, 2018

P.C:

1. After having heard the petition for some time and expressing our disinclination to interfere with the order under challenge, Mr. Sabrad, on taking instructions from the petitioner who is present in Court, makes a statement that the petitioner will not dispute the fixation of the purchase price at Rs.5,06,81,500/- and accept it but the grievance of the petitioner is that once this amount is paid, no separate tax be levied, assessed and recovered insofar as non-agricultural user is

concerned.

2. This petition was filed challenging the order passed by the first respondent in exercise of the powers conferred by Section 36A of the Maharashtra Land Revenue Code, 1966 r/w the Maharashtra Land Revenue (Transfer of Occupancy by Tribals to Non-Tribals) Rules, 1975.

3. As far as conversion and carrying out of a non-agricultural user is concerned, the petitioner will have to invoke independent power of the functionaries including the Collector/Urban Development Department under the Maharashtra Land Revenue Code, 1966. Meaning thereby, that controversy or issue having not been dealt with by the impugned order, the petitioner desires to request the Competent Authority not to levy such taxes while allowing the conversion or change of user. Mr. Sabrad, on further instructions from the petitioner, says that the petitioner would make an application to the Competent Authority seeking this relief and liberty be reserved to that limited extent.

4. At the request of Mr. Sabrad, we allow the petitioner to withdraw this writ petition with the liberty as prayed. All contentions limited and restricted to this controversy alone are kept open.

5. The writ petition accordingly stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)