

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.9507 OF 2018

NIVRATTI SHYAMRAO KACHVE
VERSUS
THE VILLAGE DEVELOPMENT OFFICER AND OTHERS

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Advocate for Petitioner : Shri Jadhav Kailas B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: January 16, 2019

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PER COURT :-

1. I have heard the learned Advocate for the petitioner / plaintiff, who is aggrieved by the order dated 12.2.2018, by which, the trial Court directed the Assistant Superintendent of the Court to file a detailed report regarding the valuation of the suit property, which is admeasuring 25 Ares in land Gut No.511 in village Daithana, taluka and district Parbhani.

2. It is informed that the impugned order has already been implemented and by treating the 25 Ares of land as being a Non Agricultural land, the valuation is made at Rs. Two Crores and the plaintiff will have to deposit court fees of about Rs.41,030/-. A categoric statement is made 3 times before the Court that though land Gut No.511 admeasuring 1 Hectare and 58 Ares in village Daithana has

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been converted for the N.A. use, the Deputy Collector, Sailu has sanctioned N.A. permission only to a part of the land admeasuring 1 Hectare and 28 Ares. It is, therefore, contended that the A.S. of the trial Court has valued 25 Ares land in a village at Rs. Two Crores, out of misconception.

3. I am disposing of this petition by observing that the petitioner shall deposit the court fees of Rs.41,030/- by reserving his right to address the trial Court at the final stage, as to whether the said 25 Ares of suit land is an agricultural land or N.A. land. If it is proved to be an agricultural land, the plaintiff would be at liberty to pray for refund of the excess court fees.

(RAVINDRA V. GHUGE, J.)

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