

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

58 WRIT PETITION NO.14247 OF 2018

SUMIT DNYANESHWAR NAGARE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. D. S. Bagul, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 14th MARCH, 2019.

PER COURT:-

1. The petitioner assails the order dated 17.02.2018 directing to calculate the valuation of land considering its proposed non-agricultural potentiality.

2. Mr. Bagul, learned counsel submits that under order dated 31.08.2012, the petitioner was granted permission to exchange the land. The petitioner got land 214/2A as Class-1 land. The learned counsel submits that on 13.12.2013 the petitioner submitted an application for non-agricultural permission to be used for residential purpose.

3. According to the learned counsel under impugned order the petitioner is directed to pay Rs.37,15,125/- as conversion charges considering

the land to be proposed non-agricultural land. The Government Resolution relied by respondent dated 20.02.2016 will not have retrospective effect. The Rules in the Maharashtra Land Revenue Code are also amended on 08.03.2019. These will not have retrospective effect. The date on which the application is filed should be considered to be the effective date.

4. The learned A.G.P. submits that as per the circular dated 08.09.1983 the petitioner is liable to pay the conversion charges. Even the Government Resolution dated 20.02.2016 would apply.

5. It appears that the petitioner had filed the application in the year 2013. The impugned order states that the petitioner is required to pay conversion charges as per the non-agricultural rate of the year 2013. The application which is produced on record appears to have been received by the office on 3.01.2014.

6. It is trite that on the date the application was given, the Government Resolution dated 20.02.2016 was not in force. The delay appears to be on the part of the respondent in passing the order. The relevant date would be the date on which the application has been given. Reference can be had to the order of this Court in writ petition no.15018 of 2017 dated 21.12.2017.

7. In light of the above, the impugned order is quashed and set aside. The respondent shall consider the valuation of the petitioner's agricultural land, as it was on the date the petitioner gave an application for converting it to the non-agricultural use. The decision shall be taken expeditiously and preferably within a period of four (04) months and as per the rules prevailing on the date of the application.

8. Writ Petition is disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE