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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4887 OF 1998

Shri Ramchandra Ganpati Raut
since deceased through LRS

..Petitioners

Vs

The State of Maharashtra & Anr. .

..Respondents

Mr.Kedar Lad for the Petitioner Nos.2 to 5.
Ms. M.S. Bane, AGP for the State.

CORAM : A.S.GADKARI, J.

DATE : 22nd July 2019.

P.C.:

1] By the present petition, the petitioners have taken exception to the Order dated 14.8.1998 passed by the District Collector, Kolhapur i.e. respondent No.2 herein. By the said Order, petitioners are directed to pay Rs.3,64,410/- as Nazarana amount for grant of non-agricultural permission in favour of the petitioners for their land, the details whereof is mentioned in the impugned Order.

2] Heard the learned counsel for the petitioners and the learned AGP. Perused the entire record.

3] It is the contention of the petitioners that, for a larger area than their suit land situated in the same locality i.e. Kasba Karvir, District Kolhapur, the said Authority has assessed the rate @ Rs.7070/-per sq.meter and has imposed an amount of Rs.2,19,427/- towards Nazarana for the said land by its Order dated 27th June 1995. In this back ground, the learned counsel for the petitioners contended that, though their land admeasures lesser than the aforesaid land, the respondent No.2 has imposed more amount towards Nazarana.

4]] The learned AGP produced the original record from the Office of the respondent No.2 for my perusal and submitted that, the Assistant Director, Town Planning by its letter dated 24.9.1996 has informed the respondent No.2 about the then prevailing market price of the land in the said locality. That on the basis of the report submitted by the Assistant Director, Town Planning, the respondent No.2 Authority has fixed the nazarana amount in the present case by its Order dated 14.8.1998.

5] It is to be noted here that, there is a time gap of three years in passing both Orders i.e. 14.8.1998 and 27.6.1995 by the respondent No.2 Authority. Undoubtedly, there is a gradual increase in the prices of landed properties situated in Kolhapur. The respondent No.2 after taking into

consideration various attending circumstances, such as prevailing rates in the said locality etc, issued Order dated 14.8.1998, directing the petitioners to pay Rs.3,64,410/- towards Nazarana for granting permission to Non-agricultural use of land.

6] In view of the above and after taking into consideration the record of the present case, this Court finds no error in the impugned Order. No interference is called for by this Court in the impugned Order.

The petition being devoid of merits, is accordingly rejected.

(A.S.GADKARI, J.)