

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (W) NO.2878 OF 2019 IN  
WRIT PETITION NO.4090 OF 2017

Punjab National Bank  
 vs.  
 State of Maharashtra and ors.

.....  
 Office Notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 of directions and Registrar's orders

Court's or Judge's order

.....  
 Shri M.Y. Wadodkar, Advocate for the petitioner.  
 Ms. T.H.Khan, AGP for respondent nos.1 and 2.  
 Shri C.S.Lahabar, Advocate for respondent no.4.

**CORAM : R.K. DESHPANDE &**  
**MILIND N. JADHAV, JJ.**  
**DATED : 08<sup>th</sup> NOVEMBER, 2019**

This application is filed by Auction Purchaser,  
 who is respondent no.4, claiming reliefs as under:

*“i) allow the present application and to correct and  
 modify order, dated 02.07.2019 by substituting the  
 Khasra No.74/7/1 in place of Khasra No.74/2, and*

*ii) further to correct and modify an order, dated  
 02.07.2019 thereby to add and substitute the status of  
 the land bearing Survey no.74/7/1 as non-agricultural  
 land in place of agricultural land; and*

*iii) and modify the order dated 02.07.2019 and permit the respondent no.4 to carry out the construction and other commercial activities on the said land; and*

*(iv) grant any other reliefs which this Hon'ble Court would be deemed fit and proper"*

There is no objection on the part of other parties to grant reliefs in terms of prayer clause (i) and (ii).

In view of this position, Khasra No.74/2 in the order dated 2.7.2019 be corrected as Khasra no.74/7/1.

Similarly, it is informed by learned counsel for the Auction Purchaser that the land acquired is not an agricultural land and the statement made by him that it is an agricultural land, is not correct. Hence, in place of "agricultural land" in the earlier order should be mentioned as "non-agricultural land".

Consequently, there would not be a question of respondent no.4 carrying out any agricultural operations where land in question. The order dated 2.7.2019, therefore, stands modified accordingly.

So far as relief in para 3, there is strong opposition by the petitioner. Undisputedly, respondent no.4 is the Auction

Purchaser. The property is purchased in the auction conducted by the Sales Tax Department of the State Government and the respondent no.4 wanted to develop the property to augment income. The learned counsel for respondent no.4 makes a statement that the property shall not be alienated and no third party interest shall be created in respect of it. He further submits that if the petitioner succeeds in the petition, respondent no.4 shall not claim any compensation towards improvement of the property.

In view of the above, we do not find any impediment in permitting respondent no.4 to carry out the construction and other commercial activities on the land in question. Hence, the respondent no.4 is permitted to carry out the construction at his cost and also the commercial activities.

Civil Application stands disposed of.

**JUDGE**

**JUDGE**

Ambulkar

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