

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10339 OF 2019
(Anansing Shelya Bhil and another Vs. The State of Maharashtra and another)

Mr. B.R. Waramaa, Advocate for the petitioners
Mr. S.G. Karlekar, A.G.P for the respondent/State

CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.

DATE : 13.01.2020

PER COURT :

The petitioner assails the order dated 24.04.2019, rejecting the application thereby seeking permission to sell the property at Rs.8,60,000/-.

2. Mr. Waramaa, learned counsel for the petitioners submits that the application was filed for permission to sell writ land by the petitioners on 13.05.2014. The enquiry was conducted by the Tahsildar, Shindkheda. He submitted his report on 21.05.2014 to the Collector, thereby referring to the 7/12 extract, the revenue assessment and all other details required and concluded that the valuation is Rs.8,60,000/- as on the date of the application. Petitioner No.1 was to sell the land to petitioner No.2.

3. Mr. Karlekar, the learned A.G.P submits that the valuation

would be more than Rs. 18,77,000/-. As such, permission to sell the property at a meager consideration of Rs.8,60,000/- by petitioner No.1 was not proper. In view of that, he submits that, it was rightly rejected. He further submits that the application was pending because the petitioners did not comply with the deficiencies earlier.

4. We have considered the submissions.

5. The application was submitted by the petitioner seeking permission to sell the land by petitioner No.1 to petitioner No.2 on 13.05.2014. The Tahsildar was directed to conduct the enquiry. Accordingly, he conducted the enquiry and submitted his report to the Collector on 21.05.2014. The report contained all the details. However, the application was decided only on 24.04.2019. In the year 2014-2015, when the application was submitted, the valuation was made at Rs.8,60,000/- and the Authority was considering the valuation of 2018-2019 while passing the impugned order. As observed above, the Tahsildar had submitted complete report. Petitioner No.1 has decided to sell the land to petitioner No.2. It is further submitted that both are tribals and petitioner No.1 does not become landless.

6. We may not enter into the said debate as to whether both the petitioners are tribals. However, the application was submitted in the year 2014. Under the impugned order, the valuation of the land is considered of

the year 2018-2019. The Tahsildar, upon due enquiry, has submitted his report in the year 2014 itself.

7. In light of the above, the impugned order is quashed and set aside. The respondents shall consider the valuation as on the date of application i.e. 13.05.2014 and pass the orders on the application of the petitioners for sale of the property by petitioner No.1 to petitioner no.2, on its own merits. The same shall be done expeditiously and preferably within three months.

8. The Writ Petition is disposed of. No costs.

[MANGESH S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

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