

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9204 OF 2019

Shree Laxmi Balaji Buildcom

Through its Proprietor

Shri Sanjay Ranganath Dere

..Petitioner

Versus

State of Maharashtra & Ors.

..Respondents

Mr. J. G. Reddy (Aradwad), Advocate for the Petitioner.

Mr. M. M. Pabale, AGP for Respondent Nos.1 to 4 – State.

Mr. Kishor S. Patil, Advocate for Respondent No.5.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 21st JANUARY, 2020

P.C.

1] The crux of the dispute is the Nazrana (unearned increase) payable upon transfer of Devasthan land through the 5th Respondent to the Petitioner.

2] Obtaining permission from the Joint Charity Commissioner to sell Devasthan land given to the Trust by the Government the Sale Deed was executed and matter got stuck when the Petitioner sought mutation.

3] The order impugned in the Writ Petition records that since the sale was without the permission of the Collector and sans

payment on Nazrana. Leviable, the name of the Trust cannot be replaced with that of the Petitioner.

4] We have asked learned counsel for the State whether the State would be agreeable to consider the request for mutation upon payment of Nazrana. Learned counsel responds in the affirmative.

5] Thus, we dispose of the Petition directing the Petitioner and the 5th Respondent to jointly seek an ex-post facto sanction from the Collector requesting the Collector to determine Nazrana leviable on account of the sale. The Collector shall determine the Nazrana payable and upon payment mutation would be effected.

6] We clarify. If the Petitioner and the 5th Respondent are aggrieved by the quantification of the Nazrana, they would be entitled to a remedy as per law challenging the quantification but not in principle their liability to pay Nazrana.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

Digitally
signed by
Balaji G.
Panchal
Date:
2020.01.22
10:23:28
+0530