

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

WRIT PETITION WRIT PETITION NO.5954 OF 2006

Anita w/o Anant Madpurwar, Gajanan Mandir Ward, Chandrapur

-vs-

The Collector, Chandrapur and anr.

**WITH**

WRIT PETITION NO.5920 OF 2006

Pravin A. Madgpurwar, Gajanan Mandir Ward, Chandrapur

-vs-

The Collector, Chandrapur and anr.

-----  
 Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.

Court's or Judge's Orders.

None for the petitioners.

Ms Tajwar Khan, Assistant Government Pleader for respondents

**CORAM : A. S. CHANDURKAR AND VINAY JOSHI, JJ.**

**DATE : FEBRUARY 06, 2020**

None for the petitioners.

With the assistance of Ms T. Khan, learned Assistant Government Pleader for the respondents we have perused the writ petitions.

The petitioners seek a declaration that the Collector cannot insist upon payment of 50% sale consideration towards non-earned income while registering the sale-deed being executed in favour of the petitioners. While admitting the writ petitions it was directed that the same be heard with Writ Petition No.4624/2005.

Writ Petition No.4624/2005 has been decided on 10/07/2017. The facts therein indicate that the owner of the land intended to execute a sale-deed in favour of the said petitioner. The very same vendor sought to execute sale-deed in favour of the present petitioners. In the

aforesaid judgment dated 10/07/2017 the following observations were made :

*“ Since the issue involved in this case stands answered in favour of the petitioner by the aforesaid judgment, for the reasons recorded in the judgment reported in 2008 (6) AIR Bombay Reporter 378 (M/s Sundarsons and ors. vs. State of Maharashtra and ors.), the writ petition is partly allowed. Since the sale-deed is already registered in the name of the petitioner, in view of the interim orders passed by this Court, nothing is required to be done in the matter any further. It is however made clear that it would be open for the State Government to take such steps, if it is found that the petitioner or his predecessor-in-title has breached any of the conditions of the allotment. It is further made clear that the issue whether the petitioner is the owner of the land or whether the predecessor-in-title of the petitioner was holding ‘B’ Tenure land or ‘Bhumiswami’ land is kept open.”*

Since it is found that the issues raised in the present petitions are identical to the issue that was considered in Writ Petition No.4624/2005, for the reasons recorded in the aforesaid judgment, these writ petitions are disposed of on the same terms as Writ Petition No.4624/2005.

Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE

JUDGE