

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

WRIT PETITION NO. 2696 OF 2020

Dr. Sandeep Madhukarrao Gaikwad

Vs.

Tahsildar, Tahsil Mahagaon, District Yavatmal and another

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

Court's or Judge's orders.

Shri P.S. Chavan, Advocate for petitioner.
Shri A.M. Kadukar, AGP for respondent No.1.
Shri Anand Jaiswal, Senior Advocate with Ms.Radhika Bajaj, Advocate for
respondent no2.

CORAM : V.M. DESHPANDE, J.

DATE : 3rd FEBRUARY, 2021.

Heard Shri P.S. Chavan, learned counsel for the petitioner, Shri Anand Jaiswal, learned senior counsel for the respondent no.2 and Shri A.M. Kadukar, learned Assistant Government Pleader for respondent no.1.

(2) By this writ petition, the petitioner is challenging the order passed by the respondent no.1-Tahsildar dated 27.07.2020, on the application moved by the respondent no.2 for converting her agricultural land Survey No.99 area 0.40 Hecter out of 2.40 Hecter as non-agricultural land.

(3) The learned senior counsel submitted that the petitioner has no locus to challenge this particular order.

(4) After hearing the learned counsel for the petitioner, it is clear and undisputedly that the petitioner

was one of the competitors of the respondent no.2 for procuring the dealership of BPCL to start petrol pump at village Januna. BPCL has granted dealership in favour of the respondent no.2 and at the same time rejected the claim of the petitioner.

(5) The learned counsel for the petitioner fairly submits that the petitioner has already filed a writ petition challenging the grant of dealership in favour of the respondent no.2 and rejecting his claim. The said writ petition is pending before the Hon'ble Division Bench of this Court.

(6) It is also an admitted position that the land of the petitioner is not adjacent to Survey No.99. Therefore, it is crystal clear that by converting the part of the land of respondent no.2 to non-agricultural, there will be no prejudice so far as the use of agricultural land of petitioner. What the petitioner submitting is that since his claim by the BPCL was negated, therefore the permission granted in favour of the respondent no.2 by the Tahsildar to convert the part of her land into non-agricultural, be set aside.

(7) In the aforesaid set of facts, it is crystal clear that the present petition at the behest of petitioner to challenge the order passed by the Tahsildar permitting the respondent no.2 to convert the portion of her land from agricultural to non-agricultural is not maintainable. It shall always be open

for the petitioner to challenge the grant of dealership in favour of the respondent no.2 before the Division Bench. The writ petition is dismissed.

(8) Needless to mention, the interim order dated 27.10.2020 stands vacated.

(9) Since the writ petition is disposed of the application for vacation of stay i.e. Civil Application (CAW) No.232 of 2021 does not survive and accordingly it is disposed of.

JUDGE

Wagh