

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9536 OF 2021**

Chatura Arjun Saroda

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

BHALCHANDRA
GOPAL DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2022.03.07
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**Mr GS Hegde, with Pinky Bhansali i/b Pushpa Thapa for the
Petitioner.**

Mr PG Sawant, AGP, for State-Respondent No.1

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 4th March 2022**

PC:-

1. There seems to be a complete misunderstanding on the part of Respondent Nos. 2 and 3. The Petitioner is an agriculturist. The property in question is a tract of Watan land of about 2 Hectare, 13 R in Gat No.86, Sanghavi Saandas, Taluka Haveli, District Pune. It was originally possessed by one Radhabai Kamble as a Watandar. After the abolition of certain Watan land tenures and their acquisition in law by the State Government, it came to be enacted that on payment of an occupancy price reckoned at three times the assessment, the lands would be once again granted to the original Watandars.

2. Radhabai Kamble died and the property devolved on her sons, Ramchandra and Dattu. They had to pay an occupancy price. They paid their share and became, according to the Petitioners, Class II tenure occupants.

3. The present petition relates to that portion of land about 1 Hectare, 65 R that came to the share of Ramchandra. Through his constituted attorney, the Petitioner herein, Ramchandra applied on 22nd September, 2011 to convert this land from a Class II category (new tenure) to a Class I (old tenure) under Section 5 of the Act. It seems that the authorities construed this application and dealt with it as an application for permission to sell made on behalf of Ramchandra. It is clear that there is no such proposal for sale; at least not yet. The Petitioner only asks that his application for change in tenure be decided according to law.

4. We direct the appropriate authority to decide the Petitioner's application dated 22nd September, 2011 as an application for change in tenure from Class II to Class I and not as an application for permission for sale.

5. The Authority is requested to do so at the earliest possible and preferably within three months from today. We grant a longer time since the matter is quite old.

6. The petitioners will be entitled to a hearing before the appropriate authority.

7. The Petition is disposed of in these terms with no order as to costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)