

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

Civil Application (CAW) No.685/2021

IN

Writ Petition No.5533/2019

M/s Maghan Cold Storage & ice Factory Pvt. Ltd. Nagpur & Anr. **Vs.** State of Maharashtra & Anr.

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

Court's or Judge's Orders

Shri C.F. Bhagwani, Advocate for the Petitioners.

Ms. N.P. Mehta, AGP for Respondent No.1.

Shri G.A. Kunte, Advocate for Respondent No.2.

CORAM : A.S. CHANDURKAR & SMT. M.S. JAWALKAR, JJ.

DATE : 9th MARCH, 2022.

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The learned counsel for the petitioners does not press the prayer made in this civil application. It is accordingly disposed of.

Writ Petition No.5533/2019

The petitioners are the owners of Khasara No.139/4 and 139/5 admeasuring 0.60 H.R. each. According to the petitioners, the said lands were converted for non-agricultural use on 15.05.2000 and the revenue records were accordingly corrected. Thereafter, the petitioners sought to convert those lands from industrial use to residential use. The petitioners however contend that the request made by the petitioners was not being considered by the respondent No.2. The present writ petition has been filed seeking a direction against the respondent No.2 to consider the application for conversion

as made.

After notice was issued, reply of the respondent No.2 has been filed. It is stated that on 06.12.2018 and 29.01.2019 a demand of Rs.35,000/- was made by the respondent No.2 towards expenses for issuing a public notice in that regard. It was stated that this amount was not deposited by the petitioners and, therefore, further steps could not be taken. Our attention is also invited to the communication dated 17.05.2019 issued by the respondent No.2 seeking the details of the measurement of the plot in question.

In view of stand as taken, the petitioners by the order dated 20.12.2021 were directed to deposit an amount of Rs.35,000/- in this Court. The petitioners have accordingly deposited the said amount in this Court.

Considering the limited prayer made by the petitioners, the writ petition is disposed of by passing the following order:

ORDER

- i. The respondent No.2 shall consider the applications made by the petitioners seeking conversion of their lands from industrial use to residential use in accordance with law.
- ii. The amount of Rs.35,000/- deposited by the petitioners shall be paid to the respondent No.2 towards the demand as made. The accrued interest, if any, shall be returned to the petitioners.

- iii. The respondent No.2 shall consider the request made by the petitioners in accordance with law.

The writ petition is disposed of accordingly with no order as to costs.

(SMT. M.S. JAWALKAR, J.)

(A.S. CHANDURKAR, J.)

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