

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

74 WRIT PETITION NO.8032 OF 2023

WITH WP/8067/2023 WITH WP/8074/2023 WITH WP/8069/2023
WITH WP/8071/2023 WITH WP/8068/2023 WITH WP/8072/2023
WITH WP/8076/2023 WITH WP/8079/2023 WITH WP/8075/2023
WITH WP/8080/2023 WITH WP/8077/2023 WITH WP/8083/2023
WITH WP/8082/2023 WITH WP/8073/2023 WITH WP/8081/2023
WITH WP/8078/2023 WITH WP/8070/2023 WITH WP/8038/2023
WITH WP/8050/2023 WITH WP/8052/2023 WITH WP/8033/2023
WITH WP/8055/2023 WITH WP/8058/2023 WITH WP/8054/2023
WITH WP/8060/2023 WITH WP/8035/2023 WITH WP/8036/2023
WITH WP/8059/2023 WITH WP/8057/2023 WITH WP/8048/2023
WITH WP/8062/2023 WITH WP/8040/2023 WITH WP/8044/2023
WITH WP/8043/2023 WITH WP/8034/2023 WITH WP/8061/2023
WITH WP/8056/2023 WITH WP/8039/2023 WITH WP/8045/2023
WITH WP/8046/2023 WITH WP/8047/2023 WITH WP/8049/2023
WITH WP/8053/2023 WITH WP/8041/2023 WITH WP/8042/2023
WITH WP/8051/2023 WITH WP/8037/2023

ATMARAM BABULAL LOHAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.M.V.Salunke, Advocate for the Petitioners.
Mr.P.K.Lakhotiya, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 11, 2023

PER COURT :

1. In all these petitions, the Petitioners have put forth prayer

clauses B, C, D and E as under :-

"B. By issuing writ of certiorari or any other appropriate writ, the impugned notice dated 20.01.2021 issued by the Respondent No.3, Tahsildar, Jalgaon, may kindly be quashed and set aside.

C. By issuing writ of mandamus or any other appropriate writ, the Respondent No.3, may kindly be directed to re-assess the plot by accepting the amount as per new G.R. dated 18.10.2021.

D. Pending hearing and final disposal of this petition, the impugned notice dated 20.01.2021 issued by Respondent No.3, Tahsildar, Jalgaon, may kindly be stayed,

E. Pending hearing and final disposal of this petition, the Respondent No.3, may kindly be directed to re-assess as per the new GR dated 18.10.2021 and regularize the plot of the petitioners."

2. We have considered the submissions of the learned Advocates for the respective sides.

3. There is no dispute that a GR dated 09.07.2000 was earlier introduced, for conversion of the Class 2 category of the plot received through *Gunthewari* by payment of 50% market value as *Nazrana* and 50% of the *Nazrana* value as a penalty, to Class 1. With compliance of these conditions, the *Gunthewari* can be regularized. However, by a GR dated 18.10.2021, the Government has granted concession in the

regularization of the class of plots and has reduced the *Nazrana* and the penalty value to 10%. The Petitioners pray that this GR may be made applicable to them.

4. The learned AGP submits that the case of the Petitioners is covered by the GR dated 09.07.2000. When the impugned notice dated 20.01.2021 was issued, the earlier GR dated 09.07.2000 was applicable. He further submits that these petitioners will have to avail of the remedy u/s 247 of the MLR Code and while doing so, their contentions will have to be considered by the Competent Authority.

4. The learned Advocate for the Petitioners submits that these Petitioners would resort to the statutory remedy available and would put forth a request that the Authorities would make the GR dated 18.10.2021 applicable to the cases of the Petitioners, since the cases are still pending and the adjudicatory process is underway. Such pending cases can be considered under the new GR.

5. In view of the above, **these petitions are disposed off** with liberty to the Petitioners to avail of such remedy. If the Petitioners put

forth a ground / request for making the GR dated 18.10.2021 applicable to their case, the concerned authority would consider the said request in accordance with the Law applicable and the policy of the Government.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)