

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1023 WRIT PETITION NO.1870 OF 2023

SANJAY KAILASH AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr Ganesh A. Gadhe
GP for Respondent Nos. 1 to 3: Mr D.R. Kale

**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 02-03-2023

PER COURT :

1. Heard both the sides.
2. The petitioner is aggrieved by the communication dated 3 February 2022 whereby in view of the conversion of his occupancy from Class-II to Class-I, he has been asked to pay the conversion charges @ 75% for non-agricultural use but by taking into account the valuation as on the date on which the impugned communication was issued.
3. The office note submitted by the petitioner to the respondent/Collector dated 22-02-2013 reveals that he had submitted the application on 10 December 2012. Since the action purports to impose monetary burden on the petitioner, it being trite that such fiscal provisions operate only prospectively, the valuation as on the date on which he had submitted the application for conversion should have been taken into consideration for determining the liability.

4. In a similar matter, this Court in ***Writ Petition No. 14247 of 2018 (Sumit Dnyaneshwar Nagare Vs. The State of Maharashtra and others)*** by the order dated 14-03-2019, wherein also the similar application was submitted for conversion in the year 2013 but the valuation was done on the basis of current price, this Court had directed the respondent to take into consideration valuation of the petitioner's land as on the date on which the application was submitted, while imposing the conversion charges for non-agricultural use.

5. We allow the writ petition, quash and set aside the impugned communication and the order and direct the respondent to take decision afresh by resorting to the valuation as on the date on which the petitioner had submitted the application for conversion i.e. 10 December 2012. The decision shall be taken as expeditiously as possible and in any event within a period of six weeks.

[S.G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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