

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No.2001 OF 2022**

**Smt. Balbir Kaur H. Bhinder
Thr. POA Mr.Sandeep N.Trivedi**

...Petitioner

Vs.

**The Collector Dadra and Nagar
Haveli at Silvassa**

...Respondent

Mr. Mayuresh Lagu i/b. Ketan A. Dhavale for Petitioner
Mr. H.S. Venegavkar a/w. Mr. Ayush Kedia for Sole Respondent

**CORAM : SUNIL B. SHUKRE &
 RAJESH S. PATIL, JJ.**

DATED : 27th JUNE, 2023

P.C.:

1. Heard.
2. Rule. Rule is made returnable forthwith by consent of parties.
3. The main ground on which the application of the Petitioner for grant of NA permission has been rejected, is that though the sale deed of the land was executed by the parties on 14th February, 1995, the document was registered in 2001 and at the time of registration of the document, the status of the subject land was agricultural and not non-agricultural.
4. We find that the ground taken in the impugned order is factually as well as legally incorrect. The sale deed was executed on

14th February, 1995, at which time, the NA permission was granted on 9th August, 1994 was in operation as it was granted for a period of one year. It came to be expired on 8th August, 1995 but before its expiry, the sale deed had already been executed between the parties whereby the petitioner had become the owner of the subject land. No doubt, the sale deed was registered in the year 2001, but it would not change the status of the subject land. This would be clear from what has been provided under Section 47 of the Registration Act, 1908, which is, for the sake of convenience is reproduced hereinbelow:

“47. Time from which registered document operates: A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.”

5. It would be clear from the provisions made in Section 47 that belated registration of a document executed earlier would only resulting in the registration relating back to the date of the execution of the document. That means, whatever rights are created by a document in favour of the parties to the document, remain to be rights which have come into existence from the date on which the document is executed. That would also be applicable to the nature, character and status of the immovable property, which is the subject matter of the sale deed. It would then follow that the status of the subject land involved in the present petition would be that status which existed on the date of signing of the sale deed by the parties, which was undoubtedly non-agricultural, with the NA permission granted in

respect of that very land being valid and operative on that date. Therefore, as stated earlier, the authorities had committed error on facts as well as in law while rejecting the application of the petitioner for grant of NA permission.

6. Apart from what is stated above, we find that today the position in respect of the situation of the land involved in the petition has undergone the sea change. Today the situation of the land is such that it falls in an area which is admittedly declared to be an industrial zone, an obvious non-agricultural zone. If that is so, there should be no reason for the authorities to reject the application of the Petitioner seeking grant of permission for non-agricultural use/conversion.

6. In this view of the matter, we are inclined to allow this petition. Petition is accordingly allowed. Impugned orders are hereby quashed and set aside.

7. We direct the respondents to consider afresh the application of the petitioner seeking grant of NA permission in respect of the land involved in the petition, in the light of the observations made hereinabove. An appropriate decision accordingly shall be rendered within two weeks from the date of receipt of writ of this Court.

8. Rule is made absolute in the above terms.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)