



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

WRIT PETITION NO.3075/2023

Shri Mahesh Dayalmal Bhatiya,
age 56 Yrs., Occ. Business,
R/o Dayal Nagar, Ward No.39,
Opp. to Railway Tower,
Wardha 442 001.

... Petitioner

- Versus -

1. The Tahsildar,
Office of the Tahsildar,
Near the Statue of Mahatma
Gandhi, Civil Lines,
Wardha-442 401.
2. The Collector,
Office of the Collector,
Civil Lines, Wardha.
3. The Sub-Divisional Officer,
Office of S.D.O., Wardha.

... Respondents

Mr. Sahil Dewani, Counsel for the Petitioner.

Mr. Amit Madiwale, Assistant Government Pleader for
Respondent Nos.1 to 3.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 6.9.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner came to be granted a lease of land measuring 139.40 Sq. Mtrs. for residential use pursuant to order dated 13.10.2008 passed by the Collector. The aforesaid lease was for a period of three years. After expiry of that period, the petitioner sought grant of permanent lease under Section 34 of the Maharashtra Land Revenue Code, 1966 (for short "Code of 1966") by moving an application on 24.10.2011. However, since some civil litigation between the petitioner and two other parties was pending in the civil Court the petitioners application was not considered. The said civil suit has been decided on 13.12.2019. The aforesaid suit came to be dismissed. Thereafter the petitioner renewed his efforts for grant of permanent lease. In the meanwhile, the petitioner was called upon to pay an amount of Rs.9,49,761/- for having occupied the lease premises after expiry of the lease. For this reason the petitioner's application for grant of permanent lease which was made was not being considered. In the meanwhile, the premises in question came to be sealed by the

office of the Collector. In these facts, the petitioner has filed the present petition.

3. By the order dated 25.8.2023 the statement of the petitioner that he was willing to deposit the amount of Rs.9,49,761/-was accepted. By filing an affidavit today it is stated that the aforesaid amount has been deposited with the Sub-Divisional Officer.

4. We find that the petitioner's application under Section 34 of the Code of 1966 that was made on 24.10.2011 has remained unadjudicated. In the meanwhile, the premises came to be seized for failure to pay the occupation charges. Since these charges are now being paid it would be open for the petitioner to make a fresh application for grant of permanent lease under Section 34 of the Code of 1966. Accordingly, the writ petition is disposed of by permitting the petitioner to make such application for grant of permanent lease. If the petitioner makes such

application, the same would be considered in accordance with law and decision thereon be taken expeditiously. With these directions writ petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

Tambaskar.