



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7729 OF 2024

**SUDHAKAR PANDITRAO PATIL
VERSUS
THE COLLECTOR DHULE AND OTHERS**

....

Mr. D. S. Bagul, Advocate for the Petitioner
Mr. V. M. Kagne, AGP for Respondent – State

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

DATE : 29.07.2024

PER COURT :-

1. The Petitioner has put forth prayer clause (B) as under:-

“[B] By way of appropriate Writ order or directions in the like nature, the impugned order passed by respondent authorities may kindly be quashed and set aside and the respondent authorities be directed to fix the valuation of agriculture land by considering the valuation for the year 2020-21 as on the date of application dated 20.01.2021.”

2. By this Petition, the Petitioner seeks to challenge the order dated 15.09.2023, passed by the Additional District Collector, Dhule. The grievance of the Petitioner is that the authority concerned needs to take into account the date on which the Petitioner gave an application for converting the status of the

land from Class-II to Class-I and accordingly, quantify Agriculture Nazrana amount with reference to the date of the application.

3. This issue is no longer *res-integra*. Multiple orders passed by this Court and various Benches, have been pointed out to us. In one of the orders cited by the Petitioner, this Court has expressed that the Respondent/Sub Divisional Officer who issued/passed the impugned orders, shall be sensitive to the orders passed by the various Benches, while processing the case for conversion from Class-II to Class-I. The Hon'ble Supreme Court delivered a judgment in ***Union of India and another Vs. Mahajan Industries Limited, (2005) 10 SCC 203***. The Petitioner further relies upon the following orders:-

- (i) Smt. Jenabai Budhya Gavit and another Vs. The State of Maharashtra and others, Writ Petition No.1479 of 2016, decided on 28.09.2017;
- (ii) Sumit Dnyaneshwar Nagare Vs. The State of Maharashtra and others, Writ Petition No. 14247 of 2018, decided on 14.03.2019;
- (iii) Sanjay Kailash Agrawal Vs. The State of Maharashtra, Writ Petition No.1870 of 2023, decided on 02.03.2023.

4. This would have been a fit case for imposing costs, considering several orders passed by this Court, expressing that the authorities should be sensitive, in short, take into cognizance the various orders passed by this Court. However, the learned AGP pleads and urges us not to impose cost. Hence, we are not imposing cost.

5. In view of the above, the impugned order is quashed and set aside. The concerned Additional District Collector, Dhule, is cautioned that he would consider the date of the application for reference while considering the request of the Petitioner for converting the Agriculture land from Class-II to Class-I, within a period of 45 days. **The Writ Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS