



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

981 CONT. PETITION NO. 705 OF 2022  
IN WP/6404/2019

RAMNAARAYAN BINJRAJ TOSHNIWAL AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...  
Advocate for the Petitioner : Mr. Navandar Gopal C.  
AGP for Respondents: Mr. M.M. Nerlikar

CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.

DATE : 19.01.2024

PER COURT :

Heard both the sides.

2. The learned A.G.P. tenders across the bar an affidavit in reply on behalf of the respondent no. 2.

3. By the order of which the petitioners have been seeking execution, this Court had simply observed that the date of application made to the Municipal Council for N.A. permission should be the crucial date for valuation. Nothing was spoken about any premium to be charged. The petitioners' application was filed on 04.01.2017. However, the valuation as on 03.07.2018 was taken into consideration. This Court had merely directed the respondents to take into account the date of the application for valuing the petitioners' property.

4. It is now being agitated by the learned advocate for the petitioners that as on 04.01.2017 there were no rules for charging any premium and still now by passing order the premium has been charged and recovered from the petitioners.

5. This Court was merely called upon to and directed the date for making the valuation of the petitioners property and there was no direction or observation as regards charging of 5% as a premium albeit, a submission was made on behalf of the respondents and recorded in the order in paragraph no. 2.

6. Needless to state that if at all the petitioners are aggrieved by charging of the premium, it would always be open for them to resort to appropriate remedies .

7. As far as compliance is concerned, the order of this Court having been duly complied with, the Contempt Petition is disposed of.

( SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-