

Writ Petition No.1605 of 2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions Registrar's orders.	Court's or Judge's order
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Shri H.R. Dhumale, Assistant Government Pleader for Respondents.

DATE : 7nd AUGUST, 2024

1. Heard.
2. Vide order dated 25-5-2010 passed by the Collector, Chandrapur, pursuant to an application moved by the petitioner, the land mentioned in the said order was temporarily permitted to be divested of the non-agricultural use.
3. Pursuant thereto, a demand notice for payment of non-agricultural assessment was served upon the petitioner under the signature of the Tahsildar, Bhadravati, which is the subject-matter of challenge in this petition.
4. Relying on the provisions of Section 115 of the Maharashtra Land Revenue Code ('the Code'), it is the contention of Shri Shelat, learned counsel appearing for the petitioner, that the non-agricultural assessment can be ordered and the amount of assessment can be levied under the said head from the actual date of the land being put to non-agricultural use. Shri Shelat would urge that even if there was an order granting non-agricultural permission, same was provisional in nature and in view of

the embargo created by the Pollution Control Board, the land was never put to use for non-agricultural purpose till 28-3-2022. As such, according to him, the demand notice goes contrary to the scheme of Section 115 of the Code.

5. Shri Shelat would concede that from 1-3-2022, the very land, which is the subject-matter of the order dated 29-5-2010 passed by the Collector, Chandrapur, is permitted to be used for non-agricultural purpose and the petitioner is willing to pay the amount of non-agricultural assessment from the said period.

6. Our attention is invited to the resistance shown by the petitioner vide representation/objection at Annexure-E, claimed to have been further followed by another representation/objection at Annexure-F dated 4-3-2017, though addressed to the Tahsildar, Bhadravati, a copy of the same is marked to the Collector, Chandrapur and the Sub-Divisional Officer, Warora. It is claimed that even if the said representations/objections preferred by the petitioner are decided in the backdrop of the provisions of Section 115 of the Code, the petitioner can appear before the said Authority for redressal of his grievance.

7. In this background, we deem it appropriate to permit the petitioner to appear before the Tahsildar, Bhadravati, based on the representations/objections at Annexure-E and Annexure-F dated 4-3-2017, on **19-8-2024**.

8. We direct the Tahsildar, Bhadravati, to decide the representations/objections of the petitioner in the backdrop of the provisions of Section 115 of the Code as expeditiously as possible and in

any case within a period of eight weeks from the date of appearance of the petitioner before him.

9. We need to take it on record that the petitioner has conceded that he is using the land in question for non-agricultural purpose from 1-3-2022.

10. Since the interim relief granted in this petition is continued for the last six years, we deem it appropriate to continue the same till the Tahsildar, Bhadravati decides the representations/objections of the petitioner.

11. The petition is disposed of in above terms. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)