



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 5095 OF 2023

(Dheeraj s/o Rambhau Lingade and ors Vs State of Maharashtra and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anand Parchure, Advocate for petitioners.
Mr. V.A. Thakare, AGP for respondent Nos. 1 to 3/State.
Mr. B.N. Jaipurkar, Advocate for respondent No. 4.
Mr. R.R. Deo, Advocate for respondent No. 5 to 8.
Mr. R.D. Karode, Advocate for intervenors.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 17-12-2024

The grievance of the petitioners has been recorded in
the order dated 5.2.2024, as under:

“The grievance is that in the five projects floated by Zilla Parishad, Buldhana on BOT basis for construction of various complexes, the original resolution was passed by the General Body on 20/01/2022, however, since an Administrator has been appointed, upon a query being made by him, the State has written a communication dated 11/11/2022 (page 25), wherein it is stated that the rates under the Government Resolution dated 01/09/2008 should be received by the Zilla Parishad, which according to the petitioners would result in substantial loss being caused to the Zilla Parishad inasmuch as there has been multi-fold rise in the prices since 2008 till 2024. The learned Assistant Government Pleader to file an affidavit addressing this issue”.

Mr. Parchure, the learned Counsel for the petitioners submit that this is actually flowing from the communication dated 11.11.2022 by the Zilla Parishad, Buldhana and the G.R. dated 1.9.2008.

2. The respondent No. 1 has filed an affidavit on 23.9.2024, in which following statement has been made:

“I state and submit that, by letter dated 5.7.2024 the answering respondent has informed to the respondent No. 4 i.e. Chief Executive Officer, Zilla Parishad, Buldhana that as per the clause 4(D) in Government Resolution dated 1.9.2008 the sale amount of construction of these projects shall be calculated keeping in view the rate determined by the District Sub-Registrar (Ready Reckoner Rate), actual cost of construction and a price calculated after carrying out survey of actual market rates prevailing in that area, whichever is more between these shall be considered by Zilla Parishad to prepare a feasibility report.”

This would indicate, that for the purpose of calculating the value of the units to be sold it is not the ready reckoner rate of 2008 which shall be taken into consideration, but the current ready reckoner rate, actual cost of construction and the prevailing market rates which shall be taken into consideration for the purpose of determining the price of the various units to be developed on BOT basis. This, in fact, takes care of the apprehension of the petitioner, that the units to be developed were to be sold at a pittance. Since what is stated in paragraph 2 addresses the grievance of the petitioner, the petition is disposed of in terms thereof.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)