

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.17272 OF 2024

Digitally signed
by
RAMESHWAR
LAXMAN
DILWALE

Date:
2025.05.02
10:32:56
+0530

Galina Consultancy Services Private
LimitedPetitioners.
and Others

V/s

The State of Maharashtra and Others Respondents.

Mr. A.A. Kumbhakoni, Senior Advocate a/w Mr Pramod Patil,
Shyam Solanke, Ms. Sufiya Siddiqui, Mr. Dhairyasheel Kale
i/by PNP & Associates for the petitioners.

Mrs. Ashwini A. Purav, Assistant Government Pleader for
respondent nos. 1, 3 and 5.

Mr. Ashish S. Gaikwad a/w Ms. Anjali S. Kolapkar, Advocates
for the respondent no.2 – PMRDA.

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATE : 24th APRIL, 2025

P.C. :

1. The petitioners have challenged the communication dated 16/12/2024 issued by the Office of the Collector, Pune to the Municipal Commissioner and Chief Executive Officer, Pune Metropolitan Region Development Authority-respondent no.2 whereby it has been stated that the request made by the petitioner no.1 for converting land bearing Survey no.18 to the extent of 90,604/- square meters for non-agricultural use cannot be considered in view of the fact that the revenue

records were unclear as to whether the said land was “grant of soil land” or “grant of revenue land”.

2. The subject land was initially owned by Chinchwad Deosthan Trust, Pune. In proceedings filed under Section 36 (1) (a) of the Maharashtra Public Trusts Act, 1950 this Court by its judgment dated 11/02/2013 allowed Writ Petition No.685 of 2013 (*Chinchwad Deosthan Trust Pune Vs. The Joint Charity Commissioner, Pune and another*) and Writ Petition No.11349 of 2012 (*Shri Parag Shripatrao Mate Vs. The Joint Charity Commissioner, Pune and another*) and granted permission for alienation of the Trust properties for an amount of Rs. 2,75,00,000/- The petitioner no.1 claims to have purchased the said land by a registered sale deed dated 28/02/2013. Thereafter, steps were taken to have the said land converted for non-agricultural use as it was intended to carry out a group housing project. As a result of the impugned order, it is submitted that the petitioners cannot develop the said land.

3. The learned Senior Advocate for the petitioners submitted that the petitioners were willing to pay land revenue, irrespective of the nature of the said land being either “grant of

soil” or “grant of revenue”, whichever was higher. It was submitted that subject to adjudication of this aspect, the petitioners application for conversion could be considered with a direction to pay the higher rate of land revenue.

4. In the affidavit in reply filed on behalf of the respondent nos.1 and 3 to 5, it has been stated that as per the communication dated 12/03/2024 the permission of the State Government was necessary as the land was under the category of soil grant. This was on a prima facie opinion in view of the fact that in the Alienation Register, the entire village had been shown as revenue grant while certain area and Survey numbers were shown as soil grant.

5. The issue as to whether the subject land is “grant of soil” or “grant of revenue” would require adjudication. Since the petitioners have indicated their willingness to pay the revenue charges, whichever is higher, their application dated 23/07/2021 can be directed to be re-considered afresh and in accordance with law.

6. Accordingly it is directed that the respondent no.3-

Collector, Pune shall re-consider the application dated 23/07/2021 that has been moved by the petitioner no.1 afresh and in accordance with law. While doing so, it is open for the Collector to consider whether the lands in question form part of “soil grant” or “revenue grant”. Pending consideration, demand for land revenue whichever is higher can be made. The necessary exercise be undertaken within a period of eight weeks which would be subject to outcome of the writ petition. The petitioners shall not claim any equity in the matter.

7. Stand over to 17/07/2025.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J.)