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

WRIT PETITION NO. 4186 OF 2025

Darul Habeeb General Education &
Welfare Trust Through its Authorised Signatory ...Petitioner

Versus

The District Collector,
Collector Office at Ratnagiri & Ors ...Respondents

Mr. Owasis Anwar Pechkar, Advocate for the Petitioner.
Mrs. Ashwini A. Purav, Assistant Government Pleader for the Respondent
Nos. 1 to 3

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

DATED : 26th MARCH 2025

P.C.:

1. Heard.
2. The learned Counsel for the Petitioner, which is registered as a Trust under the provisions of Maharashtra Public Trusts Act, 1950 states that it had sought permission to undertake construction activities pursuant to the no objection granted by the Gram Panchayat on 03/10/2023. The Tahsildar by his communication dated 12/08/2024 informed the Petitioner that permission to convert the land for non-agricultural use could not be granted and that such permission of the Charity Commissioner was warranted.
3. In the meanwhile on 11/03/2025, the Tahsildar issued notice to the Petitioner stating therein that in terms of order dated 04/01/2020 passed under Section 45(2) of the Maharashtra Land Revenue Code, 1966 non-agricultural use without permission could not be undertaken. On that basis,

the Petitioner was directed to remove the structure already erected.

4. The learned Counsel for the Petitioner submits that on 24/03/2025 an application seeking regularization of the construction undertaken was moved before the Town Planning and Valuation Department, Ratnagiri. The said application is stated to be pending.

5. In the aforesaid facts, we find that since the Petitioner's application for regularization is pending before the Town Planning and Valuation Department, till such time the said application is decided, the notice dated 11/03/2025 can be kept in abeyance.

6. Accordingly, it is directed that regularization application preferred by the Petitioner be considered on its own merits and in accordance with law by the Town Planning and Valuation Department. The said exercise be completed within a period of four weeks from the receipt of copy of this order. The Petitioner shall serve the copy of this order on the office of Town Planning and Valuation Department.

7. Till the said application is decided, the notice dated 11/03/2025 issued by the Tahsildar shall remain in abeyance.

8. In case such permission is refused, it would be open for the Tahsildar to proceed in accordance with notice dated 11/03/2025. We have not expressed any opinion on merits.

9. With aforesaid observations and directions, the Writ Petition is disposed of.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J)