IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2278/2019
Suryalakshmi Cotton Mills Ltd.
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. N. R. Bhishikar, Advocate for Petitioner.
Mr. I. J. Damle, A.G.P. for Respondent Nos.1 and 5/State.
Mr. U. K. Bisen, Advocate for Respondent No.2.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.
DATED : 16/04/2025.

Heard.

2. Under the provisions of Section 125 of the Maharashtra Village Panchayats Act, 1959 (for short, "the Act of 1959"), the petitioner entered into an agreement with respondent No.2 - Gram Panchayat towards one time payment of compensation which was executed on 27.04.2017. It was agreed between the petitioner and respondent No.2 – Gram Panchayat that in each year with effect from 01.04.2017 till 31.03.2020, the petitioner shall pay an amount of Rs.11,24,040/-.

3. It appears that the scheme under Section 125 of the Act of 1959 contemplates prior approval of the proposal by the State Government. Admittedly, in the case in hand, the State has not granted any prior approval in the matter.

4. Thereafter, it appears that the State Government having regard to the mandate of Section 125

of the Act of 1959 with effect from 15.02.2018 refused to accord the approval to the aforesaid arrangement of payment of one time compensation towards the taxes.

5. Subsequent thereto it appears that the State Government passed a reasoned order on 25.06.2019 rejecting the claim of the petitioner and the order directed the petitioner to deposit the balance amount of Rs.14,21,056/-.

6. The said order dated 25.06.2019 though was made available to the petitioner along with the affidavit of respondent No.2, the petitioner has chosen not to question the same for last six years and now has moved an application for amendment. The said amendment is objected by the respondents as the prayer is made at a belated stage.

7. The fact remains that we are required to confine ourselves to the extent of the issue which is sought to be canvassed in the petition viz. the effect of the agreement entered between the petitioner and the respondent No.2 executed on 27.04.2017 where the petitioner agreed to pay one time compensation pursuant to provisions of Section 125 of the Act of 1959 for the period from 01.04.2017 to 31.03.2020.

8. In the aforesaid background, leave apart the amendment at a belated stage, by which the petitioner is questioning the order of the State Government directing payment of the amount of tax, the fact remains that the petitioner cannot take benefit of the unawareness about the mandate provided under Section 125 of the said Act

viz. the mandatory requirement of prior approval of the State Government. Admittedly, the approval is not granted by the State Government to the agreement in question.

9. In that view of the matter, the contention raised by the petitioner that he is entitled for the benefit under the agreement which was partly acted upon cannot be accepted, as such contention, if so accepted, will amount to violating the scheme of Section 125 of the Maharashtra Village Panchayat Act, 1959.

10. That being so, the petition stands dismissed.

11. The pending applications as such stand rejected as the same were filed at a belated stage.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)