2026:BHC-NAG:2726

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

WRIT PETITION NO. 7572 OF 2025

Mazhar Anwar Siddiqui, Aged 38 years, Occ: Business,
R/o Dahegaon (Rangari), Taluka Saoner, District Nagpur. **PETITIONER**

VERSUS

Tahsildar, Saoner, Taluka Saoner, District Nagpur. **RESPONDENT**

Shri S.V. Bhutada, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 09, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. The petitioner takes exception to the notice dated 13.11.2025 and order dated 02.12.2025 issued by the Tahsildar Saoner, District Nagpur thereby reviewing the non-agricultural assessment order with respect to the petitioner's land bearing Survey no.226 situated at Mouza Ranala, Taluka Saoner, District Nagpur.

3. By order dated 21.08.2025, the Tahsildar granted permission to convert the petitioner's land from agricultural to non-agricultural use, pursuant to which the petitioner is using the said land for non-agricultural use. The respondent thereafter issued a notice dated 13.11.2025 calling upon the petitioner to attend his Office for hearing in connection with the review of the order dated 21.08.2025 under Section 258 of the Maharashtra Land Revenue Code, 1966 (for short, 'the Code'). The matter

was sought to be reopened on account of a report dated 01.08.2025 purportedly submitted by the Village Revenue Officer based on some spot inspection and recording possibility of requirement of the land in question to be used for commercial purpose for Western Coalfields Limited. This notice recorded an opinion formed by the Tahsildar about an inference to restore the petitioner's land to the agricultural use again, by reviewing the earlier order. Therefore, the petitioner challenged this notice by way of instant petition.

During pendency of the petition, the respondent passed order dated 02.12.2025 and on the same grounds as mentioned in the notice, reviewed the order dated 21.08.2025 and directed restoration of the land to agricultural use from non-agricultural use. The petitioner, by amending the writ petition, has raised a challenge to the order dated 02.12.2025.

4. The learned counsel for the petitioner submitted that the sole reason put forward in the notice for reviewing the earlier order cannot constitute a ground for review under Section 258 of the Code and thus the impugned order is without jurisdiction. He submitted that the possibility of future requirement of the land for redevelopment of Beena – Bhanegaon project of the Western Coalfields Limited cannot constitute a reason for revoking the earlier permission of non-agricultural use. He therefore submitted that the respondent has misused the power of review under Section 258 of the Code and acted beyond the parameters contained therein.

5. The learned Assistant Government Pleader appearing for the respondent opposed the petition and justified the impugned order. He submitted that the order of review is based on the report of the Village Revenue Officer dated 01.08.2025 regarding possibility of requirement of the petitioner's land for Beena – Bhanegaon project of the Western Coalfields Limited and as such since the impugned order was passed after giving a prior notice and opportunity of hearing to the petitioner, the same need not be interfered.

6. While considering the rival contentions, it has to be seen that the only reason for passing the impugned order reviewing the earlier order dated 21.08.2025 is future possibility of requirement of land for Benna – Bhanegaon project of Western Coalfields Limited. Although the reliance is placed on the report of Village Revenue Officer, the fact remains that the order is passed on the basis of a possible future requirement, which is not in existence as on today. As such, it cannot be conclusively said that the order granting permission for non-agricultural use was required to be reviewed on account of discovery of a new fact which was earlier in existence and could have been the basis for not passing the earlier order. The impugned order revoking the order granting permission for non-agricultural use of the land is based on the notice dated 13.11.2025 which also clearly shows that the respondent has formed an opinion at that stage only and as such the notice which was in the nature of order was a part of empty formality. Although the notice called upon the petitioner for hearing, but the same was based on a conclusion drawn by the

respondent-Tahsildar before taking the final decision as reflected in the order dated 02.12.2025.

7. It is thus apparent that the impugned order dated 02.12.2025 based on the notice dated 13.11.2025 is passed by the respondent-Tahsildar only on the basis of a future possibility of requirement of the petitioner's land for Beena – Bhanegaon project of Western Coalfields Limited. At this stage, in absence of any such persistent need, there was no reason for the respondent-Tahsildar for exercising the powers under Section 258 of the Code in exercise of review jurisdiction. In any case, if the land is required to be acquired for any future project, there can be no prohibition. However, a future uncertain possibility cannot be a reason for review. Hence, the impugned order does not stand to the scrutiny of law.

8. Having regard to the above mentioned factual and legal aspects, the impugned order deserves to be quashed and set aside. Hence, the following order is passed:-

I. The writ petition is allowed.

II. The order dated 02.12.2025 passed by the respondent-Tahsildar is quashed and set aside.

9. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

APTE