

ORDER BELOW EXH. 14 IN C.M.A. NO. 1/2023

Anandrao Laxman Patil Vs. Malkapur Nagarparishad
(MHST 070000102023)

This is an application filed by appellant to appoint Court Commissioner to ascertain factual position of the property mentioned in the tax receipt of the respondent dated 01.06.2022 and notice dated 26.12.2022. It is mentioned that as the said property is agricultural land and it is situated in Malkapur city, temporary tin shed has been installed thereon for the industrial purpose. Small scale business is going on in the said shed. But the respondent has by assigning reason that the said shed is illegally constructed demanded Rs. 3,19,251/- as tax thereof. Said levy of tax has been challenged in the present appeal. Respondent has filed his say on the present application and submitted that it is filed only in order to prolong the matter, contents of applications are totally false. Hence, it shall be rejected.

2. Perused the record. Heard Learned advocate for both parties. In the present application it is submitted by the appellant that the shed installed in the property bearing Survey no. 71/1 is temporary in nature, but the respondent has levy tax thereon as the permanent structure use for non-agricultural purpose. Therefore, in order to ascertain whether the shed/structure installed/constructed in the property bearing Survey no. 71/1 is temporary in nature or it is permanent structure, court commissioner is required to be appointed. Appellant prayed for appointment of Town Planning Officer (Assistant Engineer), Malkapur Municipal Council as Court commissioner. Learned advocate for respondent has no objection for such appointment. Accordingly, I pass the following order.

ORDER

1. Application is allowed.
2. Town Planning Officer (Assistant Engineer), Malkapur Municipal Council is appointed as Court commissioner.

3. Court Commissioner is directed to inspect the property bearing Survey no. 71/1 (property no. 1945) situated at village Malkapur, Tal- Karad, Dist- Satara and submit his report as to whether the shed/structure installed/constructed in the said property is temporary in nature or it is permanent structure and its measurement.
4. Court Commissioner is also directed to submit his report and map of the measurement.
5. Appellant is directed to pay fee of the Court Commission in the Office of Municipal Council, Malkapur as per rules and also submits necessary documents necessary for measurement/inspection of said property on or before 25/11/2024 and report the compliance to this Court.
6. Court Commissioner is directed to submit his report along with map on or before 13/01/2025 without fail.
7. Application disposed off accordingly.

Date : 12.11.2024

(M.V.Bhagwat)
Judicial Magistrate First Class, Karad
(Court no. 5)