

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO.2957 OF 2013

SUBHASH BALAJI WANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Dhage Babasaheb V.
Mr. NB Patil, AGP for Respondents: 1 to 4;
Mr.DB Thoke, Adv. For Resp.No.5.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 30, 2015

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PER COURT :-

1) Heard. The Assistant Registrar, Co-operative Societies earlier refused to hand over possession of the property purchased by the petitioners during auction proceedings on the ground that the Sale Certificate has not been registered.

2) In view of the judgment delivered by the Supreme court in the matter of B.Arvind Kumar Vs. Government of India and Ors. - AIR 2007 SC (Supp) 1306, registration of the Sale certificate is not a pre-condition for delivering the possession of the property. During pendency of this matter, the Assistant Registrar has handed over the possession of the property to the petitioners. As such, the order passed by the said authority on 21.1.2013 loses its efficacy and the same cannot be pressed in service.

3) Since the grievances raised by the petitioners in the instant petition have been redressed, the writ petition stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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