

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5013 OF 2013**

Sudhir Bodrao Mamdapur

..Petitioner

Vs.

Ananta Nathu Pisekar & Ors.

..Respondents

Mr. P. J. Thorat for the Petitioner

Mr. P. S. Cardozo AGP for the Respondent No.20

CORAM : R. M. SAVANT, J.

DATE : 16th June, 2015

P.C.

1 The Writ Jurisdiction of this court is invoked against the order dated 30-4-2013 passed by the Sub Divisional Officer, Ulhasnagar, by which order, the application filed by the Petitioner for his impleadment in RTS Appeal No.1 of 2013, came to be rejected. The said application was filed by the Petitioner on the basis of an Agreement to Sale executed by the Respondent Nos.7 to 19 in his favour which according to the Learned Counsel for the Petitioner is a registered document. The Sub Divisional Officer has rejected the said application on the ground that in terms of Section 54 of the Transfer of Property Act, an Agreement to Sale does not create any right in favour of the purchaser.

2 In my view, having regard to the said fact that the Petitioner has based his claim on the Agreement to Sale, as also having regard to the fact that the Petitioner has filed a Suit for specific performance of the said Agreement,

the order impugned in the present Petition does not merit any interference in the Writ Jurisdiction of this Court. The Writ Petition is accordingly dismissed.

3 Needless to state that the rejection of the instant Petition or the impugned order would not come in the way of the Petitioner from prosecuting the Suit in question filed by him for specific performance.

[R.M.SAVANT, J]