

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 6481 OF 2014

Shri Babanrao Sahadu Darade & Anr. ... Petitioners

Vs.

Manmad A.P.M.C. & Ors. ... Respondents

...

Mr.I. M. Khairdi for Petitioners

Ms.Aparna D. Vhatkar AGP for Respondent nos. 2 to 5.

...

CORAM : A. K. MENON, J.
DATE : SEPTEMBER 22, 2015.

P.C.

1. The present petition seeks direction to the respondents no.2, 3 and 4 to hold inquiry and decide representations made by the petitioners as to the valuation of the land sold by the first respondent and for issuance of a Writ quashing order dated 27th August, 2013 and staying of further proceedings in respect of the land appearing at Survey no 348/1.

2. It is petitioners case that land has been sold at a price of Rs.4,05,00,000/- as evident from the copy of the sale deed annexed at Exhibit 'D' to the petition. It is the petitioners case that the said valuation is not proper and value would have been far higher and if an auction is held, the best price would be obtained and members of the society including the petitioner would stand to benefit.

3. Learned counsel for the petitioner invited my attention to the order passed by this court in Writ Petition No. 8085 of 2006 (page 18) and the Civil Application of 105 of 2005 in the said Writ Petition, whereby a Division bench of this Court vide order dated 30th April, 2012 recorded an undertaking on behalf of the first respondent herein and respondent no.4 in that petition that the committee would not dispose of the property in question below the “prevailing market value” stated to be Rs.2.60 crores .

4. Pursuant to the said undertaking the Writ Petition and Civil application came to be disposed of. It is only thereafter that sale was effected by executing the sale deed at Exhibit 'D' wherein price fixed was Rs.4,05,00,000/-, which is admittedly far higher than the prevailing market value as obtaining from the order of 30th April, 2012 when the aforesaid Writ Petition No 8085 of 2006 came to be disposed of. The status today is that petitioners have filed the present petition in respect of the same plot of land bearing Survey no. 348/ 1.

5. It is the further case of the respondent that the order of this court in the earlier Petition 8085 of 2006 was not followed and that the market price was between Rs. 5 to 7 crores. It is the case of the Petitioner that the first respondent sold the land at a throw away price

of Rs.3 crores. The petitioners contentions on the face of it are baseless since land was admittedly sold for Rs.4,05,00,000/-. The value of Rs.7 crores which is being attributed to the said land is not based on any valuation which the petition has obtained. It is entirely an adhoc value arbitrarily mentioned without any factual basis or reference to market rates of adjoining land.

6. In the circumstances, I find no merit in the petition. Apart from this even at a stage earlier order dated 30th April 2012 was passed it was clearly the case of all parties that the “prevailing market value” as on that date was Rs.2.60 crores. In view of the fact that the sale has been finalised at Rs.4,05,00,000/- there is absolutely no justification in the grievance of the petitioner and accordingly there is no reason to interfere in the present Writ Petition.

7. Accordingly, I pass the following order:

- (i) Writ Petition is dismissed.
- (ii) There will be no order as to costs.

(A. K. MENON, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment / Order.