

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9017 OF 2014**

Nanda Chandrakant Ghodake	...Petitioner
Versus	
Registrar of Assurances, Solapur & Ors.	...Respondents

Mr. Surel Sunil Shah for the Petitioner

Mrs. M. P. Thakur, A.G.P for the Respondent Nos. 1 to 3 & 6

CORAM : A. S. OKA AND
REVATI MOHITE DERE, JJ.

TUESDAY, 16th JUNE, 2015

P.C. :

1. Heard learned Counsel appearing for the petitioner.
2. Prayer clause (a), which is the only prayer seeking substantive relief, reads thus :

“A) That this Hon'ble Court be pleased to issue a writ of mandamus or any other order, writ or direction in the like nature of mandamus thereby restraining respondent nos. 1 to 3 or their officers agents or anybody claiming through or under them from registering any document relating to the suit property more particularly described as plot bearing C.T.S. No. 10384, Final Plot No. 29-A/4, T.P. Scheme No. I situated at Akkalkot Road, Solapur and further be pleased to direct respondent nos. 2 and 3 herein not to entertaining any application on behalf of private respondents viz. Respondent

nos. 4 and 5 for permission to create any third party rights over the suit property till disposal of the dispute and civil suit no. 428 of 2013 filed by the petitioner till the order dated 23rd July 2013 is in force and till the statement made on 8th May 2014 in Cooperative Dispute no. 175 of 2014 holds the field.”

3. The first to third respondents are Officers of the State. The case made out in the petition is that in other proceedings filed by the petitioner, the fourth and fifth respondents have made a statement that till the disposal of the pending proceedings, they will not create any third party rights in respect of the property in question. By the said statement, the petitioner is sufficiently protected. If any breach is committed by the concerned private respondents, the petitioner has remedies available.

4. In view of what is stated above, this is not a fit case where this Court should exercise discretionary and extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India. The petition is accordingly rejected.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)