

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 9296 OF 2005

Shashikant Narayan Vasagadekar
and ors ..Petitioners.
Versus
State of Maharashtra & ors ..Respondents.

Mr Anil Sale for the Petitioners
Mr V. P. Malwankar, AGP "A" Panel for Respdt. nos. 1 to 3.
Mr G.H. Keluskar for Respondent No.4.
Mr S.G. Deshmukh for Respondent No.6.

CORAM : A.S.OKA, &
A.R.JOSHI,JJ.
DATE : 21st AUGUST, 2015.

P.C.

1 Heard learned counsel appearing for the petitioners and learned counsel for the sixth respondent.

2 Petitioners claim to be the purchasers of the flats in the building constructed on the property in question. This petition has been filed essentially for seeking a writ of mandamus against the Authorities under the Maharashtra Land Revenue Code, 1966 for entering the names of the petitioners in the City Survey Record as owners of the flats purchased by them. This petition proceeds on the footing that the petitioners are the owners of the flats in the property to which the provisions of the Maharashtra Apartments

Ownership Act, 1970 (for short “the said Act”) are applicable. Only if the provisions of the said Act are applicable, the flat purchasers can claim to have right, title and interest in the land below the building in which their flats are situated. As of today, there is nothing placed on record to show that all relevant documents required to be executed in terms of the said Act, have been executed. If according to the case of the petitioners, sixth respondent has agreed to subject the property in question to the provisions of the said Act, the remedy of the petitioners is against the sixth respondent.

3. Therefore, no relief can be granted in terms of prayer clause (a) and (b). As far as prayer (c) is concerned, we do not see how the order of this Court dated 15th December, 2004 has been breached.

4. Hence, the petition is rejected. We, however, make it clear that remedies of the petitioners are kept open. We make it clear that no adjudication is made on the rights claimed by the petitioners and the sixth respondent.

(A.R.JOSHI,J)

(A.S.OKA,J.)