

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 710 OF 2014
WITH
NOTICE OF MOTION (L) NO. 663 OF 2013

Sushma Sukumar Samanta	}	
30, Dhanji Street, 1 st floor, Office	}	
No. 2, Presidency Town of the	}	
a District, and Sub-District	}	
the Presidency of Bombay, of the	}	
City of Bombay Presidency	}	
Municipal Corporation, Hindu	}	
Country, Near Mumbadevi	}	
Temple, Bombay - 3.	}	Petitioner

versus

1. The Secretary of the State for	}
India, Through Hon'ble Presidency	}
Town of the a District and	}
Sub-District the Presidency of	}
Bombay High Court,	}
Bombay 400 032.	}
	}
2. The Chief Justice,	}
Through Hon'ble Presidency Town	}
of the a District and Sub-District	}
the Presidency of Bombay High	}
Court, Bombay 400 032.	}
	}
3. The Prothonotary and Senior	}
Master/Registrar, Through Hon'ble	}
Presidency Town of the a	}
District and Sub-District the	}
Presidency of Bombay High Court,	}
Bombay 400 032.	}
	}
4. The Registrar of General,	}
Through Hon'ble Presidency Town	}
of the a District and Sub-District	}
the Presidency of Bombay High	}
Court, Bombay 400 032.	}
	}

5. The chief Justice,	}	
Through Hon'ble Presidency Town	}	
of the a District, and Sub-District	}	
the Presidency of Bombay Small	}	
Causes Court, Mumbai 400 002.	}	
	}	
6. The Registrar General,	}	
Through Hon'ble Presidency Town	}	
of the a District, and Sub-District	}	
the Presidency of Bombay Small	}	
Causes Court, Mumbai 400 002.	}	
	}	
7. The Assessor and Collector's	}	
Department/ The Commissioner/	}	
Estate Commissioner, Through	}	
Hon'ble Presidency Town of the	}	
a District, and Sub-District the	}	
Presidency of Bombay, of the	}	
City of Bombay Presidency	}	
Municipal Corporation, Hindu	}	
Country, Mahanagar Palika,	}	
Mumbai 400 001.	}	Respondents

WITH
WRIT PETITION NO. 2499 OF 2012
WITH
NOTICE OF MOTION NO. 170 OF 2014

Sushma Sukumar Samanta	}	
Aged about 40 years, Hindu	}	
Inhabitant of the Indian Bombay,	}	
City of Bombay Presidency	}	
Magistrate Country C-3, Owner	}	
jurisdiction Estate No. 30,	}	
Dhanji Street, 1 st floor, No. 2,	}	
Bombay - 3.	}	Petitioner

versus

1. The State of Maharashtra	}
through the Government Pleader,	}
High Court (Original Side) Bombay	}
	}
2. The Chief Commissioner	}
Under authorizations of II/9-10	}
of Indian Income Tax, Aayakar	}
Bhavan, M. K. Marg,	}
Bombay - 400 020.	}
	}

3. The Bombay Port Trust VI	}	
Under authorization of the	}	
Bombay Presidency the City of	}	
Bombay Fort, Bombay 400 001.	}	
	}	
4. The Collector City of Bombay	}	
I, II, III under the authorizations	}	
of the Bombay Presidency Town	}	
and Island City of Bombay having	}	
office at Old Custome House, Fort,	}	
Bombay 400 001.	}	
	}	
5. The Asst. Commissioner,	}	
VI/69 (Estates) under	}	
authorizations of the Bombay	}	
Presidency 2 nd floor, Chhtrapati	}	
Shivaji Market Bldg. Palton Road,	}	
Bombay 400 001.	}	
	}	
6. The Municipal Corporation	}	
VI/68 under authorizations of	}	
City of Bombay under the Bombay	}	
Presidency, a body corporate	}	
incorporated under City of B. M. C.	}	
Act 1888 having their head office	}	
at Mahapalika Building, Fort,	}	
Bombay 400 001.	}	
	}	
7. The Divisional Commissioner	}	
II Court, Bombay Presidency VII	}	
Old Secretariat Building in front	}	
of Jehangir Art Gallery,	}	
Bombay 400 023	}	Respondents

WITH
WRIT PETITION NO. 891 OF 2014

Sushma Sukumar Samanta	}	
Aged about 40 years, Hindu	}	
Inhabitant of the Indian Bombay,	}	
City of Bombay Presidency	}	
Magistrate Country C, Owner	}	
jurisdiction Estate No. 30,	}	
Dhanji Street, 1 st floor, No. 2,	}	
Bombay - 3.	}	Petitioner

versus

1. The State of Maharashtra	}	
through the Government Pleader,	}	
High Court (Original Side) Bombay	}	
	}	
2. The Chief Commissioner	}	
Under authorizations of II/9-10	}	
of Indian Income Tax, Aayakar	}	
Bhavan, M. K. Marg,	}	
Bombay - 400 020.	}	
	}	
3. The Execution Department	}	
through the Prothonotary and	}	
Senior Master, High Court (O.S.)	}	
Bombay 400 032.	}	
	}	
4. The Superintendent of Stamps	}	
Office, having its office at Old	}	
Custom House, Bombay 400 001.	}	Respondents

WITH
WRIT PETITION NO. 748 OF 2015

Smt. Sushma Sukumar Samanta	}	
Aged about 42 years, Hindu,	}	
Undivided individual family,	}	
Inhabitant of the Indian Precedence	}	
Town of Bombay i.e. Owner Private	}	
Street No. 30 Premises Street name	}	
hanji Street, at building No. 30,	}	
1 st floor, Office No. 2, Near	}	
Mumbadevi Temple, Bombay - 3	}	Petitioner

versus

1. M/s. Voltas Limited Company	}
A company registered under	}
Companies Act, 1956, having its	}
office of Voltas House A,	}
Dr. Babasaheb Ambedkar Road,	}
Chinchpokali, Mumbai 400 033.	}
	}
2. M/s. TSR Darashaw Limited	}
A company registered under	}
Companies Act, 1956, 6-10,	}
Haji Moosa Patrawala Industrial	}
Estate, 20, Dr. E. Moses Road,	}
Near Famous Studio, Mahalaxmi,	}
Mumbai 400 011.	}
	}

3. M/s. Tata Company Limited	}	
A company registered under	}	
Companies Act, 1956 owned by	}	
Jamshedji Tata Present	}	
Representative Ratan Tata, 101,	}	
Wakefield House, Sprott Road,	}	
Ballard Estate, Mumbai - 400 001.	}	
	}	
4. Office of the Controlling Authority	}	
The Ordinary Original Civil	}	
Jurisdiction of the High Court	}	
Judicature at Bombay Present	}	
Bombay - 32.	}	Respondents

Mr. Sukumar Samanta - Constituted
Attorney of the Petitioner in-person.

Mr. Bharat Mehta - AGP for the State.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

Reserved on :- SEPTEMBER 29, 2015
Pronounced on:- NOVEMBER 21, 2015

JUDGMENT :- (Per S. C. Dharmadhikari, J.)

We had heard these Petitions on the earlier occasion
and finally on 29th September, 2015.

2) The Petitioner, who appeared in-person has claimed
the following reliefs:-

“(b) The show cause notice may be issued to the
Respondents for alleged delay in transfer of owner
documents Hereditary Hindu Joint Family Land,
Immovable and Movable properties, one Estate of the
Presidency Town of the District, and a Sub-District the
Presidency of Bombay rights of Petitioner.

(c) The rights, title, interest and power of the owner documents Hereditary Hindu a Joint Family Land, Immovable and Movable property, one Estate of the Presidency Town of the District, and a Sub-District the Presidency of Bombay of the Petitioner may be transferred in favour of the Petitioner name immediately.

(d) The Petitioner prays that all the original Records of the Bombay Presidency, which is in custody of High Court, Bombay, Prothonotary and Senior Master may be handed over to the Petitioner immediately.”

3) The Petitioner has impleaded the following persons as party Respondents (WP/710/2014):-

“1. The Secretary of the State for India,
Through Hon'ble Presidency Town of the a
District and Sub-District the Presidency of
Bombay High Court, Bombay 400 032.

2. The Chief Justice,
Through Hon'ble Presidency Town of the a
District and Sub-District the Presidency of
Bombay High Court, Bombay 400 032.

3. The Prothonotary and Senior
Master/Registrar, Through Hon'ble
Presidency Town of the a District and Sub-
District the Presidency of Bombay High
Court, Bombay 400 032.

4. The Registrar of General,
Through Hon'ble Presidency Town of the a
District and Sub-District the Presidency of
Bombay High Court, Bombay 400 032.

5. The chief Justice,
Through Hon'ble Presidency Town of the a
District, and Sub-District the Presidency of
Bombay Small Causes Court, Mumbai 400
002.

6. The Registrar General,
Through Hon'ble Presidency Town of the a
District, and Sub-District the Presidency of
Bombay Small Causes Court, Mumbai 400
002.

7. The Assessor and Collector's Department/The Commissioner/Estate Commissioner, Through Hon'ble Presidency Town of the a District, and Sub-District the Presidency of Bombay, of the City of Bombay Presidency Municipal Corporation, Hindu Country, Mahanagar Palika, Mumbai 400 001."

4) The party in person claims to be the Constituted Attorney of Smt. Sushama Sukumar Samanta, alleged sole owner of hereditary Hindu joint family property and which he describes elaborately at pages 16 and 17 of the Writ Petition.

5) The Petitioner is aware of the fact that the detailed correspondence with appropriate authorities, some of whom are party Respondents to these Writ Petitions, resulted in only one reply, namely, on such oral assertions, the Petitioner's name cannot be entered in the record of rights or related documents and he must approach the competent Court or Tribunal and take out appropriate proceedings.

6) The Petitioner then states as to how he is owner of the property and in that regard, refers to certain proceedings. These proceedings, upon closure scrutiny and perusal, do not reveal that any title passes in relation to this property in favour of the Petitioner. The Petitioner states that he has moved the proceedings for execution of a Decree and he narrates as to how these proceedings have been dealt with. The Petitioner,

therefore, has initiated legal proceedings and in paras 30 and 31, he has given details of the Writ Petitions filed. He has also set out details of some proceedings and final orders passed therein. However, it is apparent from the record and the synopsis so also written submissions that the Petitioner's Writ Petitions cannot be entertained. It has been pointed out to us that the Petitioner's earlier proceedings have been disposed of. We do not see how we can entertain further Writ Petitions and for the same reliefs. The Petitioner's insistence will not enable him to seek any reliefs and particularly of the nature sought in the proceedings.

7) In this regard, we have carefully perused the order passed on 30th January, 2014 in Writ Petition No. 598 of 2013. The prayers in the present Petitions and the earlier Petition are identical. That Writ Petition was disposed of by a Division Bench of this Court on 30th January, 2014 with the following observations:-

“.....

2. Taking into consideration the reliefs which are claimed by the Petitioner in this Petition, in our view the said reliefs cannot be granted by us while exercising writ jurisdiction under Article 226 of the Constitution of India, since the petition contains several disputed questions of facts. Apart from that the petitioner has remedy of approaching the appropriate Authorities for the reliefs which are claimed by him.

3. Hence, the petition is dismissed on the ground that it is not maintainable. Liberty is granted to the petitioner to approach the appropriate forum or forums.

4. With these directions, the petition is disposed of.”

8) In the teeth of the above conclusions, we do not see how the Petitioner can approach this Court seeking same reliefs again and again. The Petitioner does not have, in her possession, any Decree or order of any competent authority or competent Court declaring that the Petitioner is entitled to the above mentioned immovable properties/land. The learned AGP appearing for the State and other Respondents objected to the present Petitions being entertained on the ground that the Petitioner's remedy to establish her right, title and interest in these properties/land lies elsewhere. A dispute of title to immovable properties arising in the present facts and circumstances cannot be resolved and adjudicated in our limited Writ Jurisdiction. We see much substance in this objection. The Writ Petitions are entirely frivolous and vexatious. The Petitioner is abusing the process of the Court by repeatedly filing such misconceived proceedings. In the event the Petitioner does not restrain herself, we would be constrained to impose heavy costs on her. Equally, we would then direct the Registry of this Court not to entertain any further proceedings of this nature filed by the Petitioner. We refrain from passing such drastic orders hoping that the present order and the observations made by us would be enough of a lesson for the Petitioner.

9) We do not find any substance in these Petitions and they are accordingly dismissed. In the light of the dismissal of the Writ Petitions, the Notice of Motions do not survive and stand disposed of as such. There would be no order as to costs.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)