

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 700/2015

(PRAVIN KESHAVRAO BANAIT **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 701/2015

(GAJANAN KESHAVRAO BANAIT & ANOTHER **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 1602/2015

(KUSUM SHESHRAO SONAR **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 1603/2015

(SMT.NISHA AMBADASPANTH GHONGHADE, THR. POA SHYAM GHONGHADE **VERSUS** STATE
OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 2406/2015

(SANJAY NANDALAL CHANDNANI **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 4209/2015

(SHRIKANT VIVEKRAO SHINGANE **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 4210/2015

(MOHOMAD YUSUF MOHOMAD HANIF (DECEASED) THR. LEGAL HEIR MOHOMAD ZAHED
MOHOMAD YUSUF **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH

WRIT PETITION NO. 5629/2015

(RAJABHAU UTTAMRAO MADGHE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri G.K. Mundhada, counsel for the petitioners.
Ms P.D. Rane, A.G.P. for the R-State.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : DECEMBER 22, 2015.

Heard.

The learned counsel for the petitioners states that
the issue involved in these cases was also involved in Writ
Petition No.4555 of 2015 and this Court has, by the judgment
dated 11.12.2015, allowed the said writ petition as the sale-deed
was executed in favour of the petitioner therein before the

provisions of Section 37-A of the Maharashtra Land Revenue Code, 1966 were brought into effect. It is stated that since it was held that the provisions of Section 37-A(1) of the Code are not retrospective in operation, the Deputy Superintendent of Land Records could not have sought the No Objection Certificate, when the petitioner had purchased the property by a registered sale-deed before Section 37-A of the Code was brought on the statute book. It is stated that the facts involved in the decided writ petition and the present writ petition are almost identical.

Ms Rane, the learned Assistant Government Pleader appearing on behalf of the respondent-State, does not dispute the statement made on behalf of the petitioners. It is submitted that the petitioners had purchased the property before Section 37-A of the Maharashtra Land Revenue Code, 1966 was brought into effect.

Hence, for the reasons recorded in the judgment dated 11.12.2015 in Writ Petition No.4555 of 2015, we allow this writ petition and quash and set aside the impugned order.

Order accordingly. No costs.

JUDGE

JUDGE

APTE