

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8848 OF 2016

Kiran Shahaji Pagare and Others

..PETITIONERS

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. N.S. Tekale, Advocate for petitioners.

Mr. B.A. Shinde, A.G.P. for respondents.

....

CORAM : T.V. NALAWADE, J.

DATED : 06th DECEMBER, 2016

ORDER :

1. Learned Counsel for petitioner submitted that as per the provision of Section 72 of the Indian Registration Act, appeal needs to be entertained and decided by the District Registrar. But in the present matter, the matter was referred by the District Registrar to the Joint District Registrar. He submitted that the District Registrar is persona designata and any officer subordinate to him cannot hear the appeal.

2. Learned A.G.P. submits that he has taken instructions and he contends that the proceeding needs to be heard by the District Registrar.

3. In view of this submission, the order made by the Joint District Registrar is hereby set aside. Matter is remanded back to the District Registrar for deciding on merits. Parties have to appear before the District Registrar on 19th December, 2016.

(T.V. NALAWADE, J.)

SSD