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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1099 OF 2015

1. Okay Estate Developer Pvt. Ltd. and anr. .. Petitioners

Versus

1. The Deputy Inspector General of Registration
and ors. .. Respondents

Mr. S. C. Naidu with Mr. Rakesh Sawant i/by Jamshed Ansari for
petitioners.

Mrs. S. V. Sonawane, APP for State.

Ms. Vidhya i/by Vaid & Associates for respondent no.2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

AUGUST 08, 2016.

P.C.

1. The petitioners challenge notices / letters dated 12/2/2015 and
5/3/2015 issued by respondent no.1 – the Deputy Inspector General of
Registration, Mumbai Division, Mumbai.

2. Learned counsel appearing for the petitioners submits that
Conveyance Deed executed by seven persons as Vendors in favour of the
petitioners as purchasers of the subject property. It is further submitted that

a complaint came to be filed by respondent no.2 that during the execution of the document, Vendor No.6 – Alibhai Ahmed Makda, resident of U. K. was impersonated. Learned counsel submits that respondent no.2 was a common broker of the Vendors and the petitioners. An attempt has been made by respondent no.2 to frustrate the agreement and the further development of the property. It is alleged that respondent no.2 had filed PIL and had even resorted to filing of applications to other forums / authorities. Learned counsel submits that due to pendency of the impugned proceedings, further development of the property got hampered. It is stated that inspite of spending huge amount, the petitioners are unable to develop the tenanted property which was occupied by 124 tenants.

3. Learned counsel appearing for respondent no.2 refutes allegations made by the petitioners against respondent no.2. It is submitted that no useful purpose would be served in staying the proceedings before the authority, which issued the impugned communications. The petition has been filed against a show cause notice. In case the petitioners believe that their contentions are correct, then they shall face the proceedings initiated at the behest of the respondent no.2.

4. Learned APP has tendered some loose documents. Our attention was invited to few of them. It is submitted by the learned APP that a complaint was addressed to Inspector General of Registration dated 26/11/2014 by an Advocate on behalf of his client. A communication dated 9/9/2015 made by Deputy Inspector General of Registration addressed to Inspector General of Registration. We may not express any opinion on these correspondence.

5. We have perused the record and considered the submissions advanced. The notice issued is dated 5/3/2015 by respondent no.1 - Deputy Inspector General of Registration, Mumbai Division, Mumbai to 12 persons, including the petitioners. It was submitted by the learned counsel for the petitioners that petitioners appeared before the authorities and submitted the relevant record / documents / reply. The hearing was held up due to absence of Vendor No. 6 - Alibhai Ahmed Makda.

6. In the light of the fact that both the petitioners and respondent no.2 have conflicting claims, without expressing any opinion, we direct the respondent no.1 to pass appropriate orders in respect of the subject proceedings initiated by him (Exh. "J" to the petition) under Section 82 of

the Registration Act, 1908. Learned APP submits that the Vendor No.6 - Alibhai Ahmed Makda was served by the respondent no.1 by air-mail. We observe that in case the concerned authority decides to serve Vendor no.6 - Alibhai Ahmed Makda again by any other mode, including e-mail service, they are at liberty to do so.

7. We direct respondent no.1 to pass appropriate order on the notice issued under Section 82 of the Registration Act 1908 on its own merits after hearing all the parties, who appear before him. The respondent no.1 shall pass a brief reasoned order as expeditiously as possible and not later than three months from today.

8. Petition is disposed of accordingly.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)