

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

WRIT PETITION (L) NO. 1145 OF 2016

Shankar Vilas Co-op. Hsg. Soc. Ltd.
& Ors.

..Petitioners

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Saket Mone a/w. Subit Chakrabarti i/b. Vidhi Partners for the
Petitioners.

Mr.M.P. Jadhav, AGP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 15, 2016.**

P.C.

1. Heard. The petition is filed seeking direction to the respondent no.5 to grant full occupation certificate in respect of the redeveloped building of the petitioner no.1 society. Direction is also sought to the respondent no.3 to mutate the name of petitioner no.1 in the Property Register Card without insisting upon an NOC from the Collector.

2. The learned Counsel for the petitioner submits that one Neela

Sampat has filed application with the respondent no.3 for property register card of the property in question. However, the respondent no.3 has not passed any order as he requires no objection from the Collector. In the absence of the Property Register Card the respondent no.5 is not giving full occupation certificate in respect of the re-developed building.

3. The learned APP submits that the petitioners have not made an application to the City Survey Officer for property card. The learned Counsel for the petitioner in this regard submits that said Mrs. Neela Sampat is the Chairman of the petitioner no.1. However, there is nothing on record to support this contention. We find some substance in the contention of the learned AGP that proper application is not made with the City Survey Office for Property Register card. We, therefore, grant liberty to the petitioner to file fresh application with the respondent no.3 for Property Register Card of the property in question.

4. In the event such application is filed, the respondent no.3 shall decide the said application as expeditiously as possible, preferably within a period of two months from the date of filing the application.

Needless to state that we have not gone into the merits of the matter and the respondent no.3 shall decide the same in accordance with law, including the decision of this Court in Writ Petition No.1059 of 2013 with Notice of Motion No.391 of 2015 in M/s. Mangla Hospitality Limited v. The State of Maharashtra and Anr.

5. Subject to the above, petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)