

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

WRIT PETITION NO. 2977/2016

(SANGEETA TARUN SHENDE & ANOTHER **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 S.I. Jagirdar, counsel for the petitioners.
 Shri A.M. Joshi, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JULY 01, 2016.

By this writ petition, the petitioners challenge the order of the respondent no.3-Deputy Superintendent of Land Records asking the petitioner to produce the no objection certificate from the revenue authorities before mutating the name of the petitioner in the revenue records.

Shri Jagirdar, the learned counsel for the petitioner, states that the issue involved in this case was also involved in Writ Petition No.4555 of 2015 and since the sale-deed in that case was executed before the cut-off date, i.e. 03.03.2015, on which the provisions of Section 37-A were inserted in the Maharashtra Land Revenue Code, 1966, this Court had quashed and set aside a similar order of the Deputy Superintendent of Land Records. It is stated that in the instant case also, the sale-deed is executed on 09.04.2010 and, hence, the provisions of Section 37-A would not apply to the case of the petitioners.

Shri Joshi, the learned Assistant Government Pleader appearing on behalf of the respondents, fairly admits that the issue involved in this case was also involved in Writ Petition No.4555 of 2015 and this Court had, by the judgment dated 11.12.2015, quashed the impugned order in the said writ petition and directed the Deputy Director of Land Records not to seek the no objection of the revenue authorities from the petitioner therein.

Hence, in view of the statements recorded hereinabove and 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. It is needless to mention that the Deputy Superintendent of Land Records should not seek the no objection certificate of the revenue authority from the petitioner as a condition, for mutating the name of the petitioners in the revenue records.

Order accordingly. No costs.

JUDGE

JUDGE

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