

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3173 /2016

(Sangeeta w/o Tarun Shende vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. S.J. Jagirdar, Advocate for the petitioners
Mis N.P. Mehta, Assistant Government Pleader
for Respondent Nos .1 to 3

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

DATED : 25th July, 2016

Heard.

By this Writ Petition, the petitioner challenges the order of the respondent no.3 dated 21.11.2015 asking the petitioner to produce 'no objection certificate' from the Sub-Divisional Officer for seeking the recording of the mutation entry in the name of the petitioner.

Mr.S.J. Jagirdar, the learned counsel for the petitioner states that since the sale deed by which the petitioner purchased the property was registered on 17.11.2014, i.e. before 3rd March 2014, the date on which the amended provisions of Section 37-A were inserted in the Maharashtra Land Revenue Code, the respondent no.3 would have no authority in law to ask the petitioner to produce the 'no objection'

It is stated that the issue involved in this case stands answered in favour of the petitioner by the judgment dated 11.th December, 2015 in Writ Petition No.4555/2015.

Since Mrs N P Mehta, the learned Assistant Government Pleader appearing on the behalf of the respondents, does not dispute that the issue stands answered in favour of the petitioner by the judgment dated 11th December, 2015 in Writ Petition No. 4555/2015, as the sale deed was executed in favour of the petitioner on 17.11.2014.

Hence, for the reasons recorded in the judgment dated 11.12.2015 in Writ Petition No. 4555/2015, this Writ Petition is allowed. The impugned communication is quashed and set aside. The respondent no.3 may consider the application made by the petitioner for mutation of her name in the revenue records, in accordance with law, without seeking 'no objection' from the Revenue Officer.

Order accordingly. No costs.

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