

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5096 of 2015

(Chandrashekhar Purushottamdasji Rathi

vs.

State of Maharashtra, through its Secretary, Municipal Administration, Mumbai and another)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri A.S. Dhore, Advocate for the Petitioner.

Shri N.R. Patil, A.G.P. for Respondent No.1.

Shri M.G. Rathi, Advocate for Respondent No.2.

CORAM : B.P. DHARMADHIKARI &
INDIRA JAIN, JJ.

DATE : 4th AUGUST, 2016.

Heard Shri Dhore, learned Counsel for the petitioner, Shri Rathi, learned Counsel for respondent No.2 and Shri Patil, learned A.G.P. for respondent No.1.

The petitioner claims to be owner of Nazul Plot No.100, Sheet No.29-D, admeasuring 347.7 sq. mtrs., situated at Mouza Dhamangaon Railway, Tahsil Dhamangaon Railway, District Amravati, that is within the municipal limit of respondent No.2. His prayer is to direct the Municipal Council to decide representation made by him for deleting name of one Deokaran Bhagwandin Gwalbansi. The petitioner submits that it has been erroneously recorded by the Municipal Council and said person is neither owner nor in possession.

The learned A.P.P. and also the learned Counsel for respondent No2. point out that said person was not party before this Court. They also point out that as per the municipal record, Deokaran is paying the property tax since last forty years. According to them, in this situation, his name cannot be directed to be deleted.

The petitioner has in paragraph 5 of the petition pointed out that said Deokaran Bhagwandin Gwalbansi is already dead and he has no concern with the property of the petitioner. During hearing, it has been informed to this Court that the petitioner himself has not paid property tax for said plot from 2012-13 onwards.

Shri Rathi, learned Counsel has added that the property tax is being paid on behalf of Deokaran.

We find that some disputed question of facts arise. In absence of said Deokaran or any of his legal representative, we cannot ask the Municipal Council to delete his name from the property register.

Hence, with liberty to the petitioner to take such other steps as are available in law, and without recording any finding on rival contentions, we dispose of the writ petition. No costs.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

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