

hvn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2129 OF 2017**

Kalawati Omprakash Bhataia and Ors. ... Petitioners  
Versus  
The State of Maharashtra and Ors. ... Respondents

Mr.P.,B. Gujar for the petitioners.

Ms. Aparna Vhatkar, AGP for respondent nos. 1 to 5.

**CORAM : SHANTANU KEMKAR &  
M.S. SONAK, JJ.  
DATED : JUNE 09, 2017.**

**P.C.**

Not on board. Taken on production board in view of the urgency.

2. By filing this petition, petitioner is seeking direction to respondents to hand over them original sale deed dated 2.4.1993 as described in the petition. According to the petitioner at the time of execution of the sale deed, the same was impounded and petitioner was required to deposit necessary stamp fees and fine. The The Petitioners claim that they had deposited the same and as such it was incumbent upon the respondents to have returned back the sale deed to the petitioners. But till date inspite of repeated requests, the same has not been returned to the petitioner. Today when the matter came up for hearing, the only

prayers made by the petitioner is to dispose of this petition by directing the respondent nos. 3 to 5 to consider the petitioners' claim and take appropriate decision in regard to the petitioners' prayer to return the original sale deed. Learned AGP submits that the petitioner's request for return of the original sale deed will be examined and in case the petitioners are found to be eligible for return of the sale deed, the same will be returned to the petitioners.

3. Keeping in view of the aforesaid aspect, we are inclined to dispose of this petition by directing the representatives of the petitioners to appear before respondent nos. 3 to 5 on 27.6.2017 at 11.00 am. On that date, the representatives of the petitioners shall be given opportunity of hearing by the competent authority of respondent nos. 3 to 5, as the case may be, and the said authority shall take appropriate decision in regard to the petitioners' claim. The decision be taken within six weeks from the date of appearance of the petitioner before the said authority. In case the petitioners are not found to be entitled for return of the sale deed, speaking order to that effect be passed.

4. With the aforesaid directions, petition is disposed of.

**(M.S. SONAK, J.)**

**(SHANTANU KEMKAR, J.)**