

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8199 OF 2015

Apna Nagar Co-operative Housing
Societies Federation Ltd. & Anr. .. Petitioners.
Vs.
The Talathi & Others .. Respondents.

Mr. Sangharaj D. Rupawate for the Petitioners.
Ms. Aparna Vhatkar AGP for the Respondent Nos.2 to 5.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 7TH APRIL, 2017

P.C.

1. Heard learned counsel appearing for the petitioners and learned AGP for the Respondent Nos.2 to 5.

2. According to the case of the petitioners, the applications made by the petitioners on 11th October, 2013 to the Tahsildar (Exhibit-J) and on 18th December, 2013 to the Circle Officer (Exhibit-K) are pending. The petitioners are relying upon further applications made to the respective officers.

3. Our attention is invited to a report dated 13th May, 2014 submitted by the Talathi of Village Nilemore to The Tahsildar, Vasai. In the report, it is mentioned that the proceeding filed by the legal heirs of Damodar Ganpat Patil is pending in

this Court, and, therefore the action cannot be taken on the basis of the application of the petitioners.

4. The contention of the learned counsel appearing for the petitioners is that the pending proceeding referred in the said report has already been disposed of.

5. Considering the limited controversy, we dispose of the petition by passing the following order :

(i) We direct the representative of the petitioners to appear before the Tahsildar, Vasai on 25th April, 2017. The representative of the petitioners shall produce an authenticated copy of this order in the Office of the Tahsildar on that day. We permit the petitioners to produce the additional documents including the documents showing that pending proceedings have been disposed of. The additional documents shall be produced on 25th April, 2017;

(ii) After considering the additional documents and documents which are already produced by the petitioner, the Tahsildar Vasai shall pass the appropriate order on an application dated 11th October, 2013 (Exhibit-J to the petition) in accordance with law;

(iii) The appropriate order shall be passed within a period of two months from 25th April, 2017;

(iv) The order shall be immediately communicated to the petitioners;

(v) The Petition disposed of in above terms.

(vi) The Tahsildar, Vasai to act on an authenticated copy of this order.

(A.K. MENON, J.)

(A.S. OKA, J.)