

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

WRIT PETITION NO.913 OF 2016

Mr. Abdul Salam Maiku Miya Shaikh ...Petitioner

Versus

The Municipal Commissioner, Thane,
District-Thane & Ors. ...Respondents

.....

None for the Petitioner.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 24th FEBRUARY, 2017.

P.C.:-

None appears for the Petitioner. The case of the Petitioner is that he purchased the flat described in prayer clause (a) of the Petition from a Developer under an agreement for sale dated 11th July, 1994. The allegation made in the Petition is that the eighth Respondent fabricated a document of sale in respect of the said flat for showing that he is a purchaser of the said flat.

2. The first substantive prayer in this Petition is for directing the Mira Bhynder Municipal Corporation to delete the name of the eighth Respondent from the record of the Property Assessment Department in relation to the said flat. The second prayer is for issuing

a writ of mandamus directing the Joint Sub-Registrar to cancel the registration of the agreement for sale on the basis of which the eighth Respondent has claimed the title to the said flat.

3. The issue is whether the eighth Respondent can claim title in respect of the flat in question. He is claiming the title on the basis of a registered document. Therefore, these disputed questions regarding the title which arise in this Petition cannot be gone into in this Petition under Article 226 of the Constitution of India. If according to the case of the Petitioner, the eighth Respondent is relying upon a fabricated document, the Petitioner has a remedy before the Civil Court.

4. Subject to what is observed above, we decline to entertain this Petition under Article 226 of the Constitution of India. The Petition is accordingly rejected.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)