

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

WRIT PETITION No. 5465/2016.

Sanjeev Ganwantrao Kashikar through POA.

-VERSUS-

Nagpur Improvement Trust, Nagpur

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

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND ROHIT B. DEO, JJ.

DATE : JULY 28, 2017.

Heard Shri P.V. Vaidya, learned Counsel
for the petitioner and Shri M.V. Samarth, learned
Counsel for respondent.

2. The petitioner has purchased T.D.R i.e.
Transferable Development Rights through Sale-deed
dated 27.06.2014. The petitioner thereafter on
05.09.2014, applied for mutation and a certificate
accordingly in respect of his title. That application has
been rejected on 04.12.2015 by pointing out that the
Sale-deed of which benefit is sought has not been
properly executed.

3. Submission of respondent before this Court

2

is that as all owners of Development Control Rights have not signed that Sale-deed, the transfer has not been recognized.

4. Petitioner has pointed out that all vendors have on 21.08.2012 executed as Power of Attorney in favour of the transferor who has acted as vendor in Sale-deed dated 27.06.2014. The Sale-deed as also Power of Attorney are not in dispute.

5. Record shows that all owners were present when they gave power of attorney to the vendor of petitioner on 21.08.2012. In this situation, it is apparent that rejection of demand made by the petitioner or then insistence of respondent that the Sale-deed should have been signed by all owners of TDR is, unsustainable.

6. Accordingly, we set aside the impugned communication dated 04.12.2015. Respondent to issue necessary certificate to petitioner in terms of Sale-deed dated 27.06.2014.

7. Writ Petition is accordingly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.