

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

WRIT PETITION NO.1460 OF 2018

Vijay Shankar Bhoi and Ors ... Petitioners

Vs

State of Maharashtra and Ors. ... Respondents

...

Mr. Ganesh Mohite with Kuldeep T. Pawar for the Petitioner.

**CORAM : K. K. TATED &
SANDEEP K. SHINDE JJ.
DATE : 26 SEPTEMBER, 2018**

P.C. :

Heard learned counsel for Parties.

2 By this Petition under Article 226 of the Constitution of India, the Petitioners are seeking directions against the Respondent No.3 to consider the proposal of the petitioner for settlement of loan account under the guide-lines of the Reserve Bank of India and also to set aside registered sale deed dated 6.2.2017 bearing no. 289 of 2017 registered in the office of the Joint Sub-Registrar Class II, Karvir, Dist: Kolhapur. Prayer clauses (a), (b) and (c) of the Petition reads thus:

“(a) This Hon'ble Court be pleased to issue a suitable appropriate Writ/Order or Direction to Respondent No.3 to consider the proposal of the Petitioner for settlement of loan account under the guide-lines of the Reserve Bank of India;

(b) This Hon'ble Court, may kindly be pleased to declaration that, the registered sale deed dated 6.2.2017 bearing No.298/2017 registered in the Office of Joint Sub-Registrar Class-II Karvir, District Kolhapur, is void-ab-initio, null and void and is not binding upon the Petitioner and directed to restore of the Petitioner's possession in the house property with further direction cancel the Certificate of Sale given by the Respondent No.3 Bank in favour of Respondent NO.4.

(c) Pending the hearing and final disposal of the present Writ Petition the Respondent No.4 may kindly be directed not to create any third party interest based upon the registered Sale Deed dated 6.2.2017 bearing no.298/2017 registered in the Office of Joint Sub-Registrar Class II Karvir, District Kolhapur.”

3 During the course of the arguments, when this Court called upon the Petitioners to point out copy of the proposal, he

submits that there is no copy of the proposal. Same is oral. Therefore, prayer clause (a) cannot be considered under Article 226 of the Constitution. To set aside registered sale deed dated 6.2.2017, alternate efficacious remedy is available to the Petitioner. Hence, that cannot be considered under Article 226 of the Constitution of India.

4 Hence, petition stands dismissed with no order as to costs.

(SANDEEP K. SHINDE, J.)

(K. K. TATED, J.)

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