

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

WRIT PETITION NO.7316 OF 2018

Chavan Durvas Jagannath & Anr.	 Petitioners
versus	
State of Maharashtra & Ors.	... Respondents

**WITH
CIVIL APPLICATION NO.2280 OF 2018**

Santosh Sopan Davakhar & Ors.	 Applicants
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IN THE MATTER BETWEEN -:

Chavan Durvas Jagannath & Anr.	 Petitioners
versus	
State of Maharashtra & Ors.	... Respondents

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- Mr.Uday Warunjikar, Advocate for Petitioner.
- Mr.B.V. Samant, AGP for Respondent Nos.1 to 3.
- Mr.R.S. Apte, Senior Counsel, i/b. Mr.M.S. Lagu, for Applicant in CAW No.2280/18.

**CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.
DATE : 10th DECEMBER, 2018.**

P.C. :

1. Petitioner claims that document of agreement tendered by him for registration has not been entertained by the

Respondent No.3 on the ground that the construction upon it, is not sanctioned. According to Petitioner, when the Respondent No.1 State is attempting to regularize all structures, this treatment to property of Petitioner is arbitrary.

2. Learned APP appearing for Respondent Nos.1 to 3 submits that material on record is insufficient to demonstrate any such event. He further adds that considering large number of unauthorized structures being raised, the State Government has taken a policy decision and local bodies have been advised to instruct the registering authorities accordingly in relation to unauthorized/unsanctioned constructions.
3. Learned Senior Advocate appearing for the Applicant in Civil Application submits that present policy decision of the Government which in fact protects innocent buyers from exploitation and loss. He contends that decision is in public interest and must be upheld.

4. In this situation, we allow the prayer for intervention. The Applicants be added as Respondent No.4 onwards within one week.
5. Added Respondents to file their reply within further period of three weeks.
6. We permit Petitioner to produce the document which he wants to register with Respondent No.3 within one week. If such document is produced, Respondent No.3 shall scrutinize it as per law and take action upon it accordingly. This submission of document and orders of Respondent No.3 upon it, shall be without prejudice to rights and contention of parties in the matter.
7. List the matter for further consideration on 21/01/2019.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)