

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1333 OF 2017

Abdul Hamid Abdul Majid Gigani
& Anr.

.... Petitioners

Vs.

State of Maharashtra & Anr.

.... Respondents

Mr. A.A. Pande i/by Mr. Ashok R. Pande for the
Petitioners.

Mr. M.A. Sayed, AGP, for Respondent Nos.1 & 2.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : FEBRUARY 24, 2018

P.C:

1. After hearing both sides, we find that there is no reason for the statutory authorities not taking cognizance of the request of the petitioners.

2. In the event the deed of assignment based on which the petitioners say that they are the purchasers or successors-in-title, is declared as illegal or null and void, the petitioners will

take the consequence and then the Mutation Entry or the Revenue Records or the Property Card will have to be corrected, consistent with the decree in the Civil Suit. Presently, there is no impediment for the second respondent to take cognizance of the petitioners' request and their application. In the circumstances, we direct the second respondent to enter the name of the petitioners in the Property Card but we clarify that it will be subject to the outcome of the Civil Suit pending in this Court, namely, Suit No.773 of 2014. We clarify that our order shall not prejudice the rights and contentions of all parties to that Suit. The petition accordingly stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)