

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12378 OF 2019

Balu Vaijanath Gaikwad and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Salunke, Advocate for Petitioners.

Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 to 5.

Shri Suresh P. Salgar, Advocate for the Intervenor.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 16TH OCTOBER, 2019.

FINAL ORDER :

. An instrument submitted by petitioners for registration is not accepted under the impugned communication/order dated 21.09.2019 on the ground that, the P. I. L. No. 78 of 2019 is subjudice before this Court.

2. It is contended that P. I. L. No. 78 of 2019 has been decided on 02nd July, 2019. It is further contended that, pursuant to the directions of this Court in P. I. L. No. 78 of 2019, the District Collector (Stamp) has taken a decision on 30th September, 2019.

3. According to petitioners the registering authority cannot refuse to register the sale deed and/or instrument submitted by the petitioners.

4. The learned Assistant Government Pleader for respondent Nos. 1 to 5 has placed reliance on the circular dated 20th September, 2019 issued by the Revenue and Forest Department, Government of Maharashtra.

5. In the present case, we are only considering the impugned order which says that as the P. I. L. No. 78 of 2019 is pending, the registration of the document at village Wadgaon Kolhati has been stayed. The P. I. L. No. 78 of 2019 has been finally decided and as it is submitted by the learned counsel for petitioners that, the District Collector (Stamp) has given decision as per the order passed in the P. I. L. as referred to above. The District Collector (Stamp) has decided the same on 30th September, 2019.

6. Considering the above, the communication referring to the pendency of P. I. L. is not in consonance with the facts and circumstances existing. The said communication as such is set aside. The registering authority/competent authority shall consider the instrument presented by the petitioners for registration/execution on its own merits and considering relevant provisions of various Acts, Statutes and executive instructions.

7. In view of the above, the writ petition is disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]