

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

WRIT PETITION (LDG.) NO. 1962 OF 2019

Point Developers Private Ltd..

... Petitioner.

V/s.

State OF Maharashtra & Ors.

... Respondents.

Mr.Prasad Dani, Sr.Advocate, a/w. Suraj Iyer & Deba-
shree Mandpe, i/by Ganesh & Co. for the Petitioner.

Mr. Abhay L. Patki, Addl.G.P. for Respondent Nos. 1, 2
& 3 - State.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JULY 31, 2019.

PC :

1 The Petitioner is objecting to the order dated 16.04.2019 passed by the City Survey Officer, Chembur, directing the Petitioner to secure "No Objection Certificate" from the District Collector, Mumbai Suburban District, as a pre-condition for considering his application for mutating the name in the register of the city survey relating to concerned property. The learned counsel appearing for the Petitioner relying on the judgment in the matter of Shrikant R. Sankanwar & Ors. vs. Krishna Balu Naukudkar, reported in 2003(3) Bom. C.R. -45 as well as the order passed by this court in writ petition (ldg.)

no. 165 of 2019, decided on 23rd January, 2019, contends that such a pre-condition cannot be imposed for processing the application tendered by the applicant.

2 For the reasons recorded in the judgment, referred above, the instant petition deserves to be allowed and the same is accordingly allowed.

3 The City Survey Officer is directed to consider the application tendered by the petitioner-developer and process the same without insisting upon presentation of "No Objection Certificate" from the Collector and shall pass appropriate orders. It is clarified that this Court has not considered any other issue except the objection as regards issuance of no objection, referred to above, and it would be open for the concerned Authority including the Collector to take appropriate steps as permissible in law in relation to such of those other related issues.

4 In the light of the directions, as above, writ petition is disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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