

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

WRIT PETITION NO. 3598 OF 2018

Saidpur Jute Company Limited And Anr.Petitioners

V/S

The Collector Of Mumbai (city) And 2 Ors.Respondents

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Mr.Vishal Kanade with Mr.Navin Bhatia i/by Mahimtura And Company for
the Petitioners.

Mr.A.L.Patki, Addl.G.P.for the State-Respondents Nos.1 and 2.

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CORAM : A.A. SAYED &
SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 27 NOVEMBER 2019

P.C.:

The grievance of the Petitioners is essentially in respect of Mutation Entry pursuant to transfer of title of the property in question to the Petitioner No.1-Company. It is the case of the Petitioners that the Petitioner No.1-Company entered into a Deed of Conveyance on 25 June 1976 and the property in question was conveyed to the Petitioner No.1-Company by Shree Sitaram Mills Limited. On 18 October 1983, the Textile Undertaking (Taking Over of Management) Act, 1983, came into force. Consequently, the name of the Respondent No.3-NTC came to be inserted in the Property Register Card of the said property, as part of larger property bearing C.S.No.13/72. According to the Petitioners, though they had requested the Respondent No.3-NTC to give its No Objection Certificate (NOC) for

inserting the name of the Petitioner No.1-Company in the Property Register Card by various representations, the NOC was not granted. It is pointed that NOC of the Respondent No.3-NTC is required only on account of the fact that the Application of the Petitioners under section 296 of the Maharashtra Land Revenue Code, 1966 for transfer of the said property is not being considered in absence of NOC from Respondent No.3-NTC. It is pointed out that an identical NOC has been issued by the Respondent No.3-NTC to a third party. It is seen that the Petitioners have applied to the Respondent No.3-NTC for NOC by making various representations. However, the Respondent No.3-NTC has not responded to the same.

2. Despite service upon the Respondent No.3-NTC, none appears on their behalf.

3. Having heard the learned Counsel for the Petitioners and the learned AGP and having regard to the facts and circumstances of the case, we pass the following order:

ORDER

(i) The Respondent No.3-NTC to decide the representation of the Petitioners dated 16 June 2010 ending with the last representation dated 20 March 2018 for issuance of an NOC.

(ii) The said representation shall be decided expeditiously and in any event within two months from the date of communication of this order.

(iii) In the event NOC is granted by the Respondent No.3-NTC, the Petitioners are permitted to submit the same to the concerned Authorities if the Application of the Petitioners under section 296 of the MLRC is pending.

(iv) In the event the aforesaid Application under section 296 is already disposed of, the Petitioners would be at liberty to make a fresh Application alongwith the NOC, if any, issued by the Respondent No.3-NTC.

(v) The Application of the Petitioners shall also be decided expeditiously by the Respondents-Authorities.

4. The Writ Petition to stand disposed of in the above terms.

(ANUJA PRABHUDESSAI,J.)

(A.A.SAYED, J.)