

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

WRIT PETITION NO.3281 OF 2019

Eulalie Deodra Rosario

..Petitioner

Versus

State of Maharashtra & Ors.

..Respondents

Mr. Prashant P. More, Advocate for the Petitioner.

Ms. P. H. Kantharia, Govt. Pleader for Respondent Nos.1 to 4 - State.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 21<sup>st</sup> JANUARY, 2020

P.C.

1] Regretfully the draftsman of the Writ Petition who has given ink to the thoughts of the Petitioner has done a shoddy job.

2] Case of the Petitioner is that having acquired title to the land referred to in the Registered Deed of Conveyance dated 3<sup>rd</sup> December 2016 bearing Registration No.BRL-412402/2016, the 6<sup>th</sup> Respondent in spite of verbal and written communications is not discharging his duty by recording in the record of rights the name of the Petitioner.

3] Now, upon acquiring title to a land, if entry has to be made in a record of right the question of any oral request to any officer being made does not arise.

4] It appears to be a case where the Petitioner has been visiting the office of the 6<sup>th</sup> Respondent and having conveyed the same to the lawyer, the lawyer has drafted the Petition pleading that the Petitioner made verbal request to the 6<sup>th</sup> Respondent.

5] As regards the plea that the Petitioner also submitted written communications, the same is once again the result of the Petitioner not given proper ink to the thoughts of the Petitioner.

6] The Petition must plead that on a particular date the Petitioner went to the office of the 6<sup>th</sup> Respondent armed with a written application conforming to the requirements of law. Such application ought to have been annexed with the Writ Petition with further grievance that the 6<sup>th</sup> Respondent did not accept the application.

7] Learned counsel for the State who appears states that officers of the State receive all applications which are filed and thereafter process the same.

8] Under the circumstances, relief prayed that the 6<sup>th</sup> Respondent be directed to decide an application submitted by the Petitioner cannot be granted by us for the reason no such application has been annexed with the Writ Petition and there are no averments of the date on which said application was sought to be submitted in the office of the 6<sup>th</sup> Respondent.

(5) -WP-3281-19.doc.

9] Needless to state the lawyer of the Petitioner should advise the Petitioner to prepare an application and submit the same along with necessary fee to the 6<sup>th</sup> Respondent. Should the 6<sup>th</sup> Respondent refuse to accept the application the same can be sent by Regd. Post AD.

10] The Petition is disposed of

11] No costs.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji  
G.  
Panchal

Digitally signed  
by Balaji G.  
Panchal  
Date:  
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