

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 779 OF 2021

Mrs. Faridabano w/o Haji Mohammad Shafi
Punjani and others

-- Petitioners

vs.

The State of Maharashtra and others

--Respondents

Mr. Firdos Mirza, Advocate for Petitioners.

Ms. K. S. Joshi, I/c. G. P. for Respondent No.1 to 4.

Mr. C. R. Sharma, Advocate for intervenor.

CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.

DATE : 02 MARCH 2021

P. C. :

CIVIL APPLICATION (STAMP) NO. 389 OF 2021

As per the intervention application is concerned, the applicant claims to be a social worker with no personal interest in the matter, no particulars what social work the applicant has done is mentioned except stating that he has made complaint in respect of construction of the original Petitioner. On the face of it this applicant does not have any locus and we are not convinced of the bonafides of the applicant.

2. The application is rejected.

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The Petitioner has challenged a communication dated 22 January 2021 issued by the Sub Divisional Officer Karanja to the Sub Registrar (Grade-1) Karanja. According to the Petitioner by this impugned communication Sub Divisional, Officer has instructed the Sub Registrar not to register a Sale Deed in respect of construction upon Survey No.14.

3. We have perused the impugned communication. It refers to Rule 44(1)(i) of the Maharashtra Registration Rules, 1961 and states that since the construction is unauthorized, the Sale Deed should not be registered.

4. When the respondents were called upon to demonstrate as to how such communication can be issued, replies have been filed by both Respondent No.3 and 4. The Respondent No.3 has stated that there is no direction issued by him to Respondent No.4 and he has only brought certain facts to the notice of Respondent No.4. Respondent No.4 has filed reply stating that decision not to register the Sale Deed is not yet taken and what is impugned is only internal communication. These explanations are coming forth after the Court has issued notice on 08 February 2021.

5. Now it has been sought to be explained by Respondent No.3 that there is no direction to Respondent No.4. However, the

impugned communication in penultimate paragraph does state that the registration should be prohibited. Therefore, we take it as per the stand now placed on affidavit that these directions stand deleted and there is no impediment in the way of the Respondent No.4 to proceed as per law. The respondent No.4 will have to proceed as per the Rules applicable and it is not necessary for us to issue any further clarification.

6. Accordingly, the Writ Petition is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]