

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO.12326 OF 2022

MARUTI MAHADEV SAGAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...

Advocate for Petitioners : Mr. Sonkawade Amarsinha D.
AGP for Respondents/State : Mrs. M.A. Deshpande

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 06.12.2022.

PER COURT :

The petitioners shall deposit the deficit court fees.

2. Heard.

3. The petitioners are seeking direction to the Collector-respondent No. 2 to take appropriate decision on their applications/representations moved from time to time *inter alia* seeking permission to sell the property.

4. The learned advocate for the petitioners submits that the petitioner No. 1 had applied to the respondent No. 2 seeking permission in December 2020. Pursuant to the directions he even deposited the Nazrana for transfer of the land. He submits that pursuant to the permission granted, a sale-deed was executed by the petitioner Nos. 1 and 2 in favour of the petitioners Nos. 4 and 5 and even a mutation was effected. However, subsequently it turned up to be a forged document of permission and even an F.I.R. has been lodged. The petitioners are again seeking to approach the respondent No. 2 and soliciting a fresh permission in the light of the aforementioned state of affairs and ignoring the forged permission which is a subject matter of

criminal case.

5. The learned A.G.P. submits that the petitioners have executed the sale-deed based on a permission which was turned up to be a forged one. An F.I.R. has been lodged and based on such state of affairs, the mutation effected on the basis of such illegal permission has been reversed.

6. True it is that the permission obtained by the petitioner Nos. 1 to 3 was turned up to be a forged one and an F.I.R. has been lodged. However, the fact remains that the petitioner Nos. 1 to 3 are entitled to ignore that illegal permission but they continue to have a right to apply to the respondent No. 2-Collector once again for seeking permission to sell the property.

7. Obviously, the question of the forgery would not come in the way of the petitioner Nos. 1 to 3 if they are entitled to once again apply for the permission which can be decided by the respondent No. 2-Collector on its own merits.

8. The learned advocate for the petitioner submits that the petitioners would make a fresh application narrating all these details and the respondent No. 2-Collector may be directed to decide it, on its own merits, within stipulated time.

9. We allow the writ petition and permit the petitioner Nos. 1 to 3 to submit a fresh application to the respondent Nos. 2 seeking permission which the latter shall decide on its own merits within 12 weeks from the date of the application.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-