

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6355 OF 2022

Nilkanth Rajaram Raskar

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Tejesh Dande a/w. Bharat Gadhavi, Aniket Aghade, Trusha Shah,
Vikrant Khare I/b. Tejesh Dande & Associates for the Petitioner
Mrs. P.J.Gavhane, AGP for the State

**CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.**

DATED : JUNE 16, 2022

P.C.

1 We have heard the learned Advocate for the Petitioner. The learned Counsel submits that the sale deed executed amongst Respondent Nos.6 and 7 is *per se* illegal and barred by the provisions of the Urban Land (Ceiling and Regulation), Act 1976 (**Act, 1976**). According to the learned Counsel, no permission was obtained of the Collector before entering into the transaction of sale by Respondent Nos.6 and 7. The Petitioner issued notice to the Collector. Same be considered as a complaint / representation. The Collector be directed to decide the same.

2 The learned Counsel submits that the Petitioner has filed a suit

for partition and separate possession in the year 2019 and the same is pending. The Petitioner has undivided share in the property which is the subject matter of the registered sale deed dated 22nd November 2005 executed between Respondent Nos.6 and 7 by violating the provisions of the Act, 1976.

3 The Petitioner has filed a suit for partition and separate possession claiming undivided share. The said suit is still *sub judice* before the Civil Court. The rights of the parties are yet to be determined in the said suit. The sale deed is of the year 2005.

4 If, according to the Petitioner, sale deed is bad in law, it is for the Petitioner to take appropriate steps in accordance with the provisions of the Act, 1976 before appropriate Authority / Forum. Naturally, all the relevant aspects are required to be considered by the Court / Authority while considering the claims of the parties.

5 At this stage, we are not inclined to issue any directions in the present matter. The Petitioner may take appropriate steps as may be permissible in law *qua* the transaction in question. In that event all contentions of the parties are kept open.

6 The Writ Petition is disposed of. No costs.

(DHIRAJ SINGH THAKUR,J.)

(S.V. GANGAPURWALA, J.)