

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11242 OF 2019**

Lloyd Casmir Ver ...Petitioner
Versus
Sub Registrar (Assurances) Thane & Ors ...Respondents

Ms Surbhi Soni Gawaskar, i/b MGV & Associates, for the Petitioner.
Mr Amol Mhatre, for Respondent No. 2.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**
DATED: 28th March 2022

PC:-

1. The Petition raises seriously disputed questions of facts.
2. This is apart from the fact that the Petition is directed entirely against Respondents Nos. 2 to 5, all private individuals, none of them instrumentalities of the State within the meaning of Article 12 of the Constitution of India.
3. It is evident that there is a dispute between the Petitioner and Respondents Nos. 2 to 5 in regard to a release deed dated 3rd September 2013 and the property covered by that release deed. According to the Petitioners, there is an error in the Release Deed in

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regard to the survey number of the land. Respondents Nos. 2 to 5 have declined or refused to enter into a deed of rectification. This is the entire narrative in paragraph 4 of the Petition and its various sub-paragraphs. The grounds from page 8 are all directed against the private Respondents. The prayers are for a writ of mandamus to the 1st Respondent, the Sub-Registrar of Assurances, to rectify the Release Deed; and alternatively for a mandamus to direct Respondents Nos. 2 to 5 to execute a deed of rectification. Neither relief can be granted. The 1st Respondent cannot possibly execute a Rectification Deed. No mandamus of this kind can issue to Respondents Nos. 2 to 5.

4. The Petitioner's remedy is to adopt appropriate civil proceedings.

5. The Petition is dismissed but while reserving liberty to the Petitioners to adopt appropriate civil proceedings in Court of competent jurisdiction. This order will not come in the way of those proceedings. All contentions are left open.

6. The Petition is disposed of in these terms. No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)