

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1639 OF 2022**

Virendra Shyamjibhai Patel

... Petitioner

VersusThe Competent Authority &
Sub-Divisional Officer, Vasai & Ors.

... Respondents

Mr.Anil D'Souza for Petitioner.

Mrs.Rupali M. Shinde, A.G.P for Respondent No.1.

**CORAM : R. D. DHANUKA &
S. M. MODAK, JJ.****DATE : 18th FEBRUARY 2022.****PC. :-**

1. By this Petition the Petitioner seeks writ of *certiorari* for quashing and setting aside the Order dated 2nd April 2021 passed by the Respondent No.1, thereby rejecting the application filed by the Petitioner. It is the case of the Petitioner that the Petitioner has entered into an 'Agreement for Sale' with the predecessor of Respondent Nos.2 to 51 in respect of the property which is the subject matter of the acquisition.

2. The Petitioner has already filed a Civil Suit in the Court of Civil Judge Senior Division, Vasai being Special Civil Suit No. 40 of 2012 praying for specific performance of the said 'Agreement for Sale' dated 2nd June 2007

and also registered a Notice of Lis Pendense with the Sub-Registrar of Assurances on 9th August 2012.

3. In our view, as the alleged rights of the Petitioner in the 'Agreement for Sale' dated 2nd June 2007 are not established and are subject matter of Special Civil Suit No. 40 of 2012, Writ Petition filed by the Petitioner *inter-alia* praying for a writ of *certiorari* for quashing and setting aside the Order dated 2nd April 2021 is untenable and deserves to be rejected.

4. We accordingly pass the following Order :-

- (a) Writ Petition No. 1639 of 2022 is dismissed.
- (b) It is made clear that the pending Civil Suit filed by the Petitioner shall be decided on its own merits.
- (c) Ad-interim relief, granted by this Court on 29th April 2021, to continue for a period of two weeks from today.
- (d) It is made clear that, when this Court passed the Order of ad-interim relief on 29th April 2021, this Court has not gone into the merits of the matter.
- (e) If any application for ad-interim relief is sought by the Petitioner in the pending Civil Suit or in any other independent proceedings, the same shall be decided on its own merits.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]