

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

44 WRIT PETITION NO.4715 OF 2021

OMESH PRAKASH GAIKWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA TRH IT'S SECRETARY AND
ANOTHER

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Advocate for Petitioners :Mr. M R Sonwane
AGP for Respondents: Mr. S g Sangle
Advocate for Respondent 2 : Mr. M K Deshpande

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: March 13, 2023

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PER COURT :-

1. Petitioners are seeking quashing and setting aside the letter dated 5th September, 2019 issued by respondent no.2 Cidco and also directions to transfer the lease hold rights in respect of flat no.3, sector N-1, Cidco, Aurangabad in the name of the petitioners on the basis of the compromise decree and heirship certificate issued by the Civil Court. It is the case of the petitioners that respondent no.2- Cidco, despite the petitioners being lawfully succeeded in getting heirship certificate being sons of deceased Prakash and submitting compromise decree, refused to grant mutation in favour of the petitioners. Learned counsel for the petitioners submits that

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the petitioners are willing to complete the requisite formalities prescribed by respondent authorities - Cidco.

2. Learned counsel for respondent no.2 submits that, if the petitioners complied with the requisite requirements, respondent no.2-Cidco shall process request of the petitioners, expeditiously.

3. Fact remains that the petitioners are holder of heir-ship certificate being heirs of deceased Prakash. They have also undertaken to produce no objection in the form of affidavit from other legal heirs which can be verified as petitioner is willing to keep them physically present for confirmation/verification. He has undertaken to deposit the requisite fees, charges so as to get mutation in their favour of the property in question. In view of above, once the aforesaid shortfalls are complied with by the petitioners, we expect that the respondents authorities to process request of the petitioners expeditiously and communicate their decision in any case within a period of six weeks from the date of such compliance. With the above observation, petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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