

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

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WRIT PETITION NO. 2709 OF 2023

Meraj Begum
wd/o Afsal Ali Khan

....Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. Raunak Bajaj i/b Mr. G.L. Bajaj for Petitioner.

Mr. A.I. Patel, Addl. G.P. a/w Ms. K.N. Solunke, AGP for State.

Mr. Shubhabrata Chakraborti a/w Mr. Naozad Golwala i/b Mr. Mahernosh Humranwala for Respondent No.3.

**CORAM : K.R. SHRIRAM &
DR. NEELA GOKHALE, JJ.
DATED : 14th DECEMBER 2023**

P.C. :

1. The prayer in the petition is to decide petitioner's application dated 14th October 2022 for mutation entry after following all due procedures of law. Mr. Patel states that Respondent No.2 has addressed a communication dated 25th July 2023 addressed to petitioner calling upon petitioner to provide certain documents/details. Mr. Patel states that those details and documents have not been provided. Mr. Bajaj appearing for petitioner, however, disagrees with Mr. Patel and states all details as well as documents have been provided to Respondent No.2. Mr. Bajaj states that notwithstanding the same a fresh set will be served upon Respondent No.2 within two weeks from today.

2. Mr. Chakraborti appearing from Respondent No.3 states that society's building stands on the land which petitioner claims to be the

owner of whereas it is the society Respondent No.3 that owns the land. Mr.Chakraborti states that if Respondent No.2 passes any order in the absence of Respondent No.3, it could prejudice Respondent No.3's interest.

3. Therefore, we direct petitioner to provide a copy of the application filed to Respondent No.2, copy of the communication dated 25th July 2023 received from Respondent No.3 as well as the details/documents that petitioner has provided to Respondent No.2 in response to the communication dated 25th July 2023 within two weeks. Respondent No.3 may file its objections before Respondent No.2 to the application made by petitioner. Respondent No.2 shall decide petitioner's application in accordance with law after considering the submissions of petitioner as well as Respondent No.3 and also after giving personal hearing to petitioner and Respondent No.3, notice whereof shall be communicated atleast seven working days in advance.

4. We clarify that we have not made any observations on the merits of the claims made by petitioner or Respondent No.3.

5. Application shall be disposed on or before 29th February 2024.

6. Petition disposed.

(DR. NEELA GOKHALE, J.)

(K.R. SHRIRAM, J.)