

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2686 OF 2023**

Eeshan Enterprises

...Petitioner

Versus

State of Maharashtra through the Urban ...Respondents
Development and Revenue Department & Ors

Mr Suhas Oak, with Vijay Nene & Nikhil Shinde, for the Petitioner.

Mr NC Walimbe, AGP, for the Respondent-State.

Mr Prithviraj S Gole, i/b Sandesh Patil, for Respondent No. 2-SRA.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**

DATED: 31st March 2023

PC:-

ASHWINI
HULGOJI
GAJAKOSH

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1. The Petitioner's development proposal was rejected by the 2nd Respondent purely on the ground that for the property in question his name did not appear on the property card. The Petitioner had purchased the property under a registered deed. The City Survey Officer, wrongly refused to mutate the land records and the property card. The Petitioner filed an appeal and succeeded obtaining a direction that the property card be updated. Against the appellate order a further proceeding either in revision or in appeal has been filed and is pending but is without any conclusive order. The binding order is a direction to update the PR Card.

2. This is more than enough. There cannot be an insistence by the City Survey Officer on the property card actually being updated before processing the development proposal. The actual ministerial act of updating the PR Card is a matter that is out of the Petitioner's hands.

3. At this stage, therefore, we dispose of the Petition by directing the 2nd Respondent to consider the Petitioner's development proposal and accepting these documents regarding the property card mutation, i.e., a true copy of the registered Sale Deed, the appellate order obtained by the Petitioner and an authenticated copy of this order.

4. The Petitioner is, however, put to notice that any development permission that he obtains may be subjected to the result of any further proceedings in the appeals filed by the society against the appellate order that has been obtained by the Petitioner.

5. The Petition is disposed of in these terms. No costs. We clarify that we have not otherwise examined the matter on merits.

(Neela Gokhale, J)

(G. S. Patel, J)