

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 4558 OF 2022

Kirit S. Patel

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Mutahar Khan i/b Ms. Deepa Bisht for the Petitioner.

Mr. Himanshu Takke, AGP for the Respondent Nos. 1 and 2-State.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 17th JANUARY, 2023

PC. :-

1. Rule. The learned AGP waives service for Respondent Nos. 1 and 2. Rule made returnable forthwith.

2. By this Petition filed under Article 226 of the Constitution of the India, the Petitioners seek writ of mandamus against Respondent No. 2 to reconstruct the Property Card Register in respect of the land described in prayer clause (a) of the Petition.

3. It is case of the Petitioner that though various applications have been made by the Petitioner, annexed to the Petition, including

applications made on 19th July 2010, 11th February 2008, 11th April 2016 and 15th February 2018 requesting Respondent No. 2 to issue new property card in respect of writ property, there is no response from Respondent No. 2.

4. It is submitted by learned counsel that Respondents had not even responded to their request for reconstruction of Property Card Register and to issue certified copies thereof. Petitioner has been orally informed that the register of the property card is torn and thus property card cannot be issued in favour of the petitioner as on date.

5. Mr. Khan, learned counsel for the Petitioner states that all the property cards which are in possession of the Petitioner have been already furnished alongwith applications and if there are any further property cards so as to update the record, if any, after filing the last application, the same would be submitted by the Petitioner duly certified as true copy by Advocate to Respondent No. 2 within two weeks from today. Statement is accepted.

6. Respondent No. 2 is directed to consider the documents that would be produced by the Petitioner for the purpose of issuance of new property card in respect of writ property.

7. If Respondent No. 2 has any requisition for production of any further details or documents from the Petitioner, the Petitioner shall be informed about such requisition within four weeks from today. Petitioner is at liberty to produce the requisition within four weeks thereafter. Respondent No. 2 is directed to grant personal hearing to the Petitioner to enable the Petitioner to produce original of the property card if relied upon by the Petitioner alongwith other details to reply to the requisition, if any, required to be clarified at the time of hearing. Respondent No. 2 shall grant personal hearing to the Petitioner with 72 hours advance notice. Petitioner shall remain present before Respondent No. 2 and shall not seek unnecessary adjournments.

8. Respondent No. 2 shall decide the application filed by Petitioner within eight weeks from the date of Petitioner complying with the requisition and shall communicate the order that would be

passed within one week from the date of passing of such order. If the applications of the Petitioner are allowed, property card for City Survey No. 5/172 shall be issued within two weeks from the date of passing of the order. If the applications are rejected by Respondent No. 2, Petitioner will be at liberty to file appropriate proceedings permissible in law.

9. Writ Petition is allowed in the aforesaid terms.
10. Rule is made absolute. No order as to costs.
11. Parties to act on an authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]