

varsha

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

WRIT PETITION (L) NO. 33633 OF 2022

Al Qalam Educational Trust ... Petitioner

vs.

District Collector and Magistrate Mumbai ... Respondents
Suburban and Ors

Mr. Nawaz Haindady and Ms. Gazala P. Shaikh, i/b M/s Judicare Law Associates, for the Petitioner.

Mr. Hemant Haryan, AGP, for the Respondents-State.

**CORAM : R. D. DHANUKA AND
GAURI GODSE, JJ.**

DATED : 19th APRIL, 2023

PC. :-

1. Rule. Learned AGP waives service for Respondents. Rule is made returnable forthwith. Writ Petition is taken up for final disposal. Petitioner filed this Writ Petition seeking direction against Respondents to make necessary mutation entry in land revenue records in respect of Petitioner's name as owner of the land purchased by the Petitioner vide registered Conveyance Deed dated 30th March 2017. Learned Counsel for the Petitioner states that the Application was filed on 12th April 2018 and till date the same is not decided.

2. The learned Advocate for the Petitioner states that all the necessary documents required to make mutation entry are submitted alongwith the application. Statement made by learned Counsel for the Petitioner is accepted.

3. Learned AGP on instruction states that there are certain requisitions which are required to be complied with by the Petitioner. He states that accordingly necessary letter will be issued to the Petitioner for compliance of the pending requisitions. He states that one of the requisition is with respect to the NOC to be obtained from the Collector. Learned Advocate for the Petitioner states that the Application is already made for obtaining NOC on **14th September 2018**. However, said application is still pending. Learned Advocate for the Petitioner states that on receipt of letter for compliance of requisition, Petitioner shall comply with requisition within a period of four weeks from receipt of the said letter for requisition.

4. In these circumstances, Writ Petition is be disposed of by passing following Order:

i. Respondent No.1 shall decide the Application dated **14th September 2018** within a period of four weeks from today.

- ii. Petitioner to comply with the requisitions as per letter that will be issued by Respondent No. 2. Petitioner to comply with the requisition as per the letter that will be issued by Respondent No.2 within a period of four weeks from receipt of the letter.
- iii. After necessary compliance are made, application dated 12th April 2018 to be decided within a period of six weeks from the date of compliance of the requisition. In the event the application is decided in favour of the Petitioner, necessary effect to be given to the order within a period of two weeks from the date of decision. If the decision is adverse to the Petitioner, in that event, the Petitioner is at liberty to adopt appropriate proceedings as permissible in law.
- iv. We have not expressed any view on the merits of the application. Respondent Nos. 1 and 2 to take appropriate decision on its own merit.
- v. Writ Petition is disposed of. Rule is made absolute in the above terms. Contentions of all the parties are kept open.
- vi. Parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)