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

WRIT PETITION NO. 6089 OF 2024

SUNANDA BAPURAO PATIL

VERSUS

**STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

....

Mrs S. M. Zaware, Advocate for Petitioner;

Mr S. J. Salgare, A.G.P. for Respondent No.1

Mr A. M. Gaikwad, Advocate for Respondent Nos.2 and 3

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRADE, JJ.

DATE : 26th June, 2024

PER COURT:

1. Leave to delete Respondent No.2. Deletion be carried out forthwith. Respondent Nos.3 and 4 shall be Respondent No.2 and 3 in this Petition.

2. This Writ Petition pertains to plots bearing Nos.23 and 24, in City Survey No.3555, admeasuring 1792.2 Sq.Mtrs, in Dhule. The original land owner is said to be Pournima Anil Singh. Record reveals that, one Shakiloddin Rafiuddin purchased the said property from Pournima. On 28/08/2007, the name of Shakiloddin is entered into the property card. He is said to be in

(2)

possession. He applied for electricity connection. The learned Advocate for Respondent No.2 and 3/Company, submits on instructions that, a legal connection was granted to Shakiloddin, on 25/10/2012.

3. The Petitioner claims that, Pournima entered into an Agreement to Sell, on 11/08/2008. Because the property was not being handed over, Special Civil Suit No.75/2021 for specific performance of contract, was filed before the Civil Judge Junior Division, Dhule after 13 years. The order dated 22/03/2024, passed by the Trial Court, indicates that the Petitioner tendered a purshis, Exh.-54, seeking leave to withdraw the said civil suit. The defendant Nos.1 to 3, demanded costs if the Petitioner was to be permitted to withdraw the said suit. Shakiloddin preferred an Intervention Application. However, the Trial Court ignored the same, since there was no application for transposition of Shakiloddin as plaintiff in place of the present Petitioner. Consequentially, the Trial Court permitted the present Petitioner to withdraw the suit and the proceedings were closed.

(3)

4. The learned Advocate for the Respondent/Company submits that the Petitioner is only armed with an Agreement to Sell. The learned Advocate for the Petitioner submits that, now Pournima has entered into a registered sale deed with the Respondent. The intervenor Shakiloddin had stated before the Trial Court that he is the owner and possessor of the property.

5. In view of the above, the request of the Petitioner that this Court should direct Respondent/Company to deal with her representation dated 18/04/2024, in which she makes an allegation that an illegal electricity connection has been granted to the said two plots, which are said to be in possession of Ishan Shakiloddin Kazi, who is termed as an illegal occupant. **This Petition is, therefore, dismissed.** We make it clear that the reference to the various contentions of the parties in the foregoing paragraphs are not conclusion on the rival contentions. The contentions of all the parties are kept open if the appropriate forum is called upon to deal with these issues.

(Y. G. KHOBRADE, J.)
sjk

(RAVINDRA V. GHUGE, J.)