

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3841 OF 2024

Yusuf Yakub Kacchi and anr. ...Petitioners
Versus
Sulochana Mohan Kalyankar and ors. ...Respondents

Mr Harekrishna Mishra, for the Petitioners.
Mrs Rupali Shinde, AGP , for the Respondent Nos.11 to 14, 16 and 17.
Mr Drupad Patil a/w Mr Suyash Sule, for Respondent Nos. 1 and 2
Mr Jitendra Patil i/b Mr. Rajesh Tekale, for Respondent No.15

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 21st June 2024

PC:-

1. Heard learned counsel for the parties.
2. Mr Harekrishna Mishra, learned counsel for the Petitioners, states that the Petitioners will be satisfied if the directions are issued to the concerned Respondents to comply with the requisitions in the communication dated 23rd March 2023 (page 154 of the paper book) and to the State Government to dispose of the Petitioners' representation for correction in the B-Form of the Property Register Card.

3. Mr. Mishra states that the representation has been made to the State Government in this regard on 4th January 2022 (Exhibit-I on page 152 of the paper book). Though the representation is addressed to the Hon'ble Chief Minister, the same may be taken as the representation addressed to the State Government.

4. Mr. Drupad Patil, learned counsel for Respondent Nos.1 and 2, refers to an order dated 5 February 2024 made by the Deputy Director, Land Records, Konkan Division, Mumbai. He submits that the controversy raised by the Petitioners stands settled by this order, which, in any case, gives the Petitioners liberty to file appropriate proceedings before the State Government. Mr. Patil, therefore, submits that no directions need be issued in this Petition.

5. Mrs Shinde learned AGP for the Respondent Nos. 11 to 14, 16 and 17, points out that by communication dated 23rd March 2023, the information and comments were sought from the Director, Town Planning and the Commissioner of Panvel Municipal Corporation. She submits that such information/comments have, to date, not been supplied by the said two authorities for the State Government to make an appropriate decision on the Petitioner's representation. She, therefore, submits that suitable directions may be issued to these authorities to comply with the requisition in the communication dated 23rd March 2023.

6. Having considered the above contentions, we are satisfied that this Petition can be disposed of by directing the State Government to consider the Petitioners' representation for correction in B-Form of the Property Register Card as expeditiously as possible and in any event on or before 20th August 2024. We direct accordingly.

7. By communication dated 23rd March 2023, certain information/comments were sought from the Director, Town Planning and the Commissioner of Panvel Municipal Corporation. This information/comments should have been furnished by the two authorities within some reasonable time. The delay in furnishing this information/comments appears unreasonable. Therefore, we direct the Director of Town Planning and the Commissioner of Panvel Municipal Corporation to comply with the requisition in the communication dated 23rd March 2023 (page 154 of the paper book) within two weeks from today, i.e. on or before 5th July 2024 without fail and without giving any excuse.

8. The State Government must consider the order dated 5th February 2024 issued by the Deputy Director, Land Records (Exhibit J, page 229 of this Petition) while disposing of the petitioner's representation. The Petitioners' objection to this order must also be considered. In fact, all contentions of the Petitioners and the first and second Respondents are kept open for consideration of the State Government. The concerned officer of the State Government must hear the Petitioners and the representatives of the first and second Respondents before passing any final orders on the Petitioners' representation.

9. The final decision must be communicated to these parties on or before 20 August 2024. If any of the parties are aggrieved by the decision, they shall be at liberty to challenge it in accordance with the law.

10. The petition is disposed of in the above terms without any order of costs. In so far as other reliefs in this Petition are

concerned, the Petitioners are at liberty to pursue the same in accordance with law.

(Kamal Khata, J)

(M.S. Sonak, J)