
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11180 OF 2024

Jayashri S. Padwal & Ors

.. Petitioners

Versus

State of Maharashtra & Ors

.. Respondents

Mr.Kishor Patil i/b Sidheshwar Biradar, Advocates for the
Petitioners.

Mr.Vaibhav Charrahwar “B” Panel, Advocates for the
Respondent State.

Mr.Madhukar Vaijinath Kshirsagar, Sub-registrar Grade-1
Mulashi is present in Court.

Mr.Manohar Genba Chivhe, I/c Sub-Registrar, Grade-1, Mulashi
No.2 is present in Court.

ANJALI
TUSHAR
ASWALE

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ANJALI TUSHAR
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Date: 2024.10.25
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CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: OCTOBER 24, 2024

P. C.

1. The above Writ Petition is filed seeking the following reliefs:-

- a) “issue an appropriate writ, order or direction in the
nature of writ thereby declaring that the acts and
actions of Respondent Nos.3 and 4 to orally refuse the
registration of the Sale Deed are illegal, arbitrary and
bad in law;

b) *this Hon'ble Court be pleased to issue a writ of Mandamus and/or any other writ/order or direction in the nature of Mandamus against Respondent No.3 and 4 hereby direction them not to act contrary to the provision of the Registration Act, 1908 and to perform their duties in accordance with the same by registering the Sale Deed lodged by the Petitioners in accordance with the provisions of the Registration Act, 1908."*

2. What has necessitated this Writ Petition is the refusal by Respondent Nos.3 and 4 (Sub-Registrar Offices) for registering the Registration Sale Deeds executed by the Petitioner in furtherance of certain Agreement to Sell and Irrevocable Power of Attorney, in breach of the provisions of the Registration Act, 1908. The Registering Authorities, namely, Respondent Nos.3 and 4 refused to register the documents because they were under the impression that the properties which form the subject matter of the said Sale Deeds were attached pursuant to a Notification dated 10th July, 2023 issued by the Government of Maharashtra (Home Department) under the provisions of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short "**MPID Act**").

3. They carried this impression because of the description given of the property at Sr. No.101 of the said Notification. It was the case of the

Petitioners that their property does not fall within the description given in Sr. No.101. It was in these circumstances that, on 10th October 2024, we had requested the “B” Panel Counsel appearing on behalf of the Respondents to take instructions in the above matter and place the matter on Board today.

4. Today when the matter is called out, the learned Panel Counsel appearing on behalf of the Respondent, on instructions, has stated that after determining the factual position it is correct to say that the property which forms the subject matter of the Sale Deeds executed by the Petitioner are not attached as per the Notification issued by the Government of Maharashtra under the provisions of the MPID Act. Once this is the statement made, and which we accept, we see no impediment in Respondent Nos.3 and 4 registering the Sale Deeds executed by the Petitioners.

5. In these circumstances, we direct Respondent Nos.3 and 4 to register the Sale Deeds which form the subject matter of the above Petition. This exercise shall be done by the Registering Authority within a period of two weeks from today.

6. The Writ Petition is disposed of in the aforesaid terms. No order as to costs.

7. Though we have disposed of the above Writ Petition, we place it on Board “for reporting compliance” on 12th November 2024.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]