



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 1589 OF 2025**

The Chhatrapati Sambhajnagar Housing and
Area Development Board
Formerly Known As -
The Aurangabad Housing and Area Development Board
A Regional Unit of
The Maharashtra Housing and Area Development Authority
Through its Estate Officer
Printraval Square, Aurangabad – 431 001
Cellphone Number – 9890846844
Email – ahadalegal@gmail.com

...Petitioner

Versus

1. Ashruba S/o. Jotiram Ghatge,
Age – 75, Occupation – Retired,
R/o. Tenement No. 25, MHADA Colony,
Behind Reliance Mall, Lane No. 02,
Garkheda, Aurangabad, Chhatrapati Sambhajnagar.
 2. The District Consumer Disputes Redressal Forum
Collector Office Premises, Administrative Building,
Aurangabad, Chhatrapati Sambhajnagar.
 3. The State of Maharashtra,
Through the Principal Secretary,
Department of Food, Civil Supply
and Consumer Protection, Mantralay,
Mumbai – 400032.
- ...Respondents

...
Advocate for the Petitioner : Mr. Chawre Anand Prabhu

...
CORAM : ABHAY J. MANTRI, J.
DATE : 19th NOVEMBER, 2025

ORAL JUDGMENT :

1. Heard learned Advocate for the petitioner. Perused the record.

2. By this petition, the petitioner is seeking to quash the execution application no. 96/2018, filed by the original complainant before the District Consumer Forum, Aurangabad.

3. During the arguments, the learned Advocate for the petitioner submitted that the petitioners have time and again expressed willingness to execute the lease deed upon the respondent No.1, providing the documents required to execute the lease deed. It is the respondent No.1's statutory duty to provide the necessary documents for the execution of the lease deed. Accordingly, he was informed by various communications. Also, he filed the required application before the learned District Consumer Forum, but the respondent No. 1 is not providing the same and thereby failed to comply with the statutory requirements. But he is taking undue advantage of the order passed in his favour and insisting hard on the execution of the said order. Therefore, it is very difficult to execute the lease deed. Accordingly, he has drawn my attention to page nos. 41 and 53 of the petition. As such, he urged that the execution proceedings be quashed.

4. At the outset, it appears that on 20.01.2017, the Consumer Forum passed the order directing the respondent therein, i.e., the petitioner, to execute the sale deed and lease deed in favour of the original complainant/ respondent No.1 within a period of 60 days. The

said order was confirmed by the National Commission. It further appears that the said order was not complied with by the respondent, i.e. the petitioner herein, and, therefore, the original complainant has filed the execution proceeding before the Consumer Forum. As such, the respondent approached this Court to quash the same.

5. However, I do not find substance in his contention in that regard, as the question of quashing the execution proceedings does not arise, as the petitioner did not comply with the order passed by the District Consumer Forum. Hence, the respondent No. 1 exhausted his statutory remedy to get it complied with. Without challenging any order passed therein, the petitioner has preferred this petition to quash the said proceedings, which is not permissible in law, as it is a statutory right of the respondent No.1. Besides, the petitioner being award/decreed holder entitle to file the execution proceeding to get complied with the award/order and, therefore, filing of the execution proceeding cannot be said to be illegal. In view of the above, I do not find substance in the contentions of the learned advocate for the petitioner in that regard.

6. Apart from this, for the sake of argument of the petitioner's advocate, even assuming that it is respondent No.1's statutory duty to provide the documents required for the execution of the lease deed, and for not providing the same, it is difficult to get the lease deed executed.

In such an eventuality, also in my opinion, it would not be a proper remedy to quash the said execution proceedings. Moreover, the original complainant has filed an execution proceeding to comply with an order passed by the Consumer Forum, but no order has been passed in the execution proceedings. Consequently, the Criminal Writ Petition, being devoid of merits, stands dismissed.

7. Needless to clarify that, no doubt the respondent No.1 has a statutory right to enforce the order. But at the same time, it cannot be overlooked that the documentary requirement that he possesses has to be provided by him to comply with the said order. Therefore, to avoid further complications in the matter, it would be appropriate for the respondent No.1 to cooperate with the petitioner while enforcing the order to comply with as per contentions of the learned advocate for the petitioner, that petitioners have time and again expressed willingness to execute the lease deed upon the respondent No.1, providing the documents required to execute the lease deed.

(ABHAY J. MANTRI, J.)