



(1)

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

25 WRIT PETITION NO. 14936 OF 2023

VASANT ANANDRAM MUNOT AND OTHERS

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY,
URBAN DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI
2. THE DIVISIONAL COMMISSIONER, NASHIK
3. THE DISTRICT COLLECTOR, AHMEDNAGAR
4. THE COMMISSIONER, AHMEDNAGAR CITY MUNICIPAL
CORPORATION, AHMEDNAGAR
5. THE ASSISTANT DIRECTOR OF TOWN PLANNING,
AHMEDNAGAR CITY MUNICIPAL CORPORATION, AHMEDNAGAR
6. THE JOINT SUB REGISTRAR-2, AHMEDNAGAR

....

Mr S. S. Bora, Advocate for petitioners

Ms P. J. Bharad, A.G.P. for respondent Nos.1 to 3

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 4th March, 2025

PER COURT:

1. The petitioners claim that pursuant to some enquiry into the alleged encroachment being undertaken pursuant to the directions of the Lokayukt, a report was prepared by the committee headed by the District Collector on 20/07/2019 and the Collector has directed to the Sub Registrar not to register any document/transfer in respect of portions of land in survey Nos. 135,136,137 and 138 of Maliwada, Taluka Ahilyanagar, Dist. Ahilyanagar.

(2)

2. We have heard both the sides finally.

3. For the reasons best known to the respondents, the Collector has not filed any affidavit and the only affidavit that is filed is of the Sub Registrar who is simply supposed to follow the directions contained in the communication dated 07/08/2019.

4. It appears that some of the petitioners had addressed a communication to the Collector in the year 2020 to pointing out that they are owners of individual plots which do not fall in the encroachment and the dispute is only in respect of 53 Are portion. The Collector responded by his communication dated 12/11/2020 (Exhibit 'I') inter alia mentioning about alleged encroachment, registration of crime and further making it clear that no permission can be granted for registration of documents/transfers during pendency of the enquiry.

5. This response is of the year 2020. Nothing has been brought on record as to what had happened about that enquiry contemplated in this communication. Since there is no communication to demonstrate that the petitioners' individual grievances were considered by the Collector or the committee constituted pursuant to the direction of Lokayukt, it would be appropriate that the respondents are called upon to hear the petitioners, consider their grievances and to

(3)

arrive at independent conclusions as to if such blanket prohibition from registration of any document shall continue even hereinafter.

6. We dispose of the writ petition with a direction to respondent No.3 to take necessary steps, direct the petitioners to be heard by the committee and to arrive at a conclusion as to if the prohibition from registration pursuant to his direction in the impugned communication, shall continue or can be relaxed to the extent of the petitioners qua their individual plots from the very survey numbers. This exercise shall be concluded within eight weeks. All the issues are kept open.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk