

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 342 OF 2025

Ms Prabhu Packaging Industries Thr.	
Its Managing Partner Mr. T.s. Madhusudhan	...Petitioner
Versus	
The Sub Registrar, Khalapur & Ors.	...Respondent

Mr. Karan Bhosale, Laveena Tejwani, Neha Bhosale, Dhvani Mehta,
Abdul Basit Kudalkar, Siddharth Chavan i/b NDB Law, for the Petitioner.
Mr. M.M. Pable AGP for State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 10 MARCH 2025

P.C :-

1. This petition is filed under Article 226 of the Constitution of India, to pass appropriate orders, direction to respondent nos. 1 and 2 to record the sale certificate in favour of petitioner dated 31 March 2023 in the book-I maintained by respondent No. 1 under the provision of section 17(2)(12) read with section 89 of the Registration Act, 1908.
2. The case of the petitioner is that the petitioner was declared as highest bidder in an auction conducted on 28 February 2023 by respondent no.3 on the immovable property, details of which are disclosed in the petition situated at Taluka Khalapur Dist. Raigad, ('subject property' for short). The petitioner would claim that pursuant to it being declared as

the highest bidder, the petitioner made payment of the entire amount of Rs. 5,74,00,000/- to the respondent no. 3, pursuant to which a duly validated sale certificate was issued in favour of the petitioner. The petitioner would contend that the respondent no. 3 after such issuance of the sale certificate ought to have recorded it in Book -I under the provisions of section 89 of the Registration Act.

3. In the above context, the petitioner would refer to correspondence/letters made by it to the respondent authorities being letter dated 26 August 2023 followed by letters dated 25 September 2023 and 16 December 2023. In response to the said letters, the respondent no. 2 issued a letter dated 13 February 2024. Referring to the letter of the petitioner dated 25 September 2023, the respondent no. 2 vide its letter called upon the petitioner to submit the original sale certificate along with 7/12 extract, evidence of construction map, along with certain other documents to be submitted to the office of the respondent no. 2, after which appropriate action would be taken by it under section 33 of the Maharashtra Stamp Act.

4. We have heard Mr. Karan Bhosale, learned counsel for the petitioner and Mr. M.M. Pable, learned AGP for the State and with their assistance perused the record.

5. Mr. Pable would oppose the petition. However, there is no written opposition and/or affidavit in reply on record.

6. Considering the above, we find that the petitioner had addressed letters in the form of representation dated 26 August 2023, 25 September 2023 and 16 December 2023 to the respondent authorities. In response thereto the Joint District Registrar and Collector of Stamp, Raigad, Alibag by a letter dated 13 February 2024 called upon the petitioner to submit the original sale certificate along with documents as noted in the said communication to process the petitioner's request for recording the said certificate in Book-I, in respect of the subject property and take further steps, as required under section 23 of the Maharashtra Stamp Act.

7. In our view, the following order would meet the interest of justice.

ORDER

(i) The respondent nos. 1 and 2 and/or the competent/appropriate authority of the respondents shall after hearing the petitioner and on verification of the documents as required by it as noted in the communication/letter dated 13 February 2024 addressed to the petitioner, take the appropriate decision in accordance with law as expeditiously as possible, in any event within a period of four weeks from the date this order is made available to the said respondents by the petitioner.

(ii) All rights and contentions of the parties are expressly kept open.

- (iii) Writ Petition is disposed of in the above terms.
- (iv) No order as to cost.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]