

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3559 OF 2025

Sairani Mani

...Petitioner

Versus

Dy. Inspector General Of Registration And Ors

...Respondents

Mr. Rohan Sawant a/w Mr. Amit Jajoo a/w Nirav Parmar a/w Aryan Deshmukh i/b Indus Law, for the Petitioner.

Mr. A.I. Patel, Addl. GP a/w Ms. T.J. Kapre, AGP for the Respondent-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 praying for the only substantive relief as under :

“a) This Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ or order directing Respondent Nos. 1 to 3 to conduct an enquiry, under Section 80C, 82 and 83 of the Registration Act, 1908 read with Rule 183 of the Registration Rules within two months, on the Petitioner's representations dated 6 July 2024, 15 July 2024 and 18 July 2024 for impersonation and fraudulent execution of the Sale Deed and Forged POA executed by Respondent Nos. 4 to 6 and initiate appropriate prosecution under the provisions of the Registration Act, 1908;”

2. The petitioner is the lawful owner of a immovable property being an open land admeasuring 00 H 20 Are, under survey No. 99/2/10/2 and another being 5 Are under survey No. 99/22/1/1 situated at Ambegaon

(Khurd), Haveli, Dist. Pune, within the territorial limit of the respondent ('**subject land**' for short).

3. It is the petitioner's case that the petitioner's discovered that respondent nos. 4 to 6, fraudulently registered a sale deed dated 31 March 2024, in respect of the above immovable properties which are owned by the petitioner, using a forged power of attorney allegedly executed in the year 2001, when the petitioner would state that she was not even in the country to execute such sale deed. The petitioner would refer to a representation dated 6 July 2024 made to the respondent no. 3 calling upon it to refrain from registering any deed or agreement in respect of the said immovable property, which would prejudice the petitioner.

4. We have heard Shri. Rohan Sawant, learned counsel for the petitioner, Mr. A.I. Patel learned Addl. GP, and Ms. P.J. Kapre, AGP for the State with their assistance we have perused the record.

5. The learned Addl. GP and AGP would oppose the petition. However there is no opposition and/or affidavit in reply filed on record.

6. Considering the above, we find that the petitioner who owned the subject lands has made a detailed representation 6 July 2024 to the respondent no. 3 raising a grievance with regard to the forged sale deed dated 31 March 2024 by which the said properties was allegedly sold by the respondent no. 4 without the knowledge of the petitioner. The

petitioner also claims to have made a police complaint with the Assistant Commissioner of Police dated 6 July 2024.

7. We find that the representation of the petitioner dated 6 July 2024 is pending decision with respondent no.3, which ought to be decided in accordance with law. In the facts and circumstances of the present case, the following order would meet the interest of justice.

ORDER

(I) The respondent no.3 shall hear the petitioner on her representation dated 6 July 2024 and after hearing the petitioner, pass a reasoned order in accordance with law as expeditiously as possible, not later than within a period of four weeks from the date this order is made available to the respondent no.3 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. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]