

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12700 OF 2024

Ashok Shrikishan Mundra **...Petitioner**

V/s.

State of Maharashtra and Ors. **...Respondents**

**WITH
WRIT PETITION NO.12689 OF 2024**

Ashok Shrikishan Mundra **...Petitioner**

V/s.

State of Maharashtra and Ors. **...Respondents**

**WITH
WRIT PETITION NO.12696 OF 2024**

Ashok Shrikishan Mundra **...Petitioner**

V/s.

State of Maharashtra and Ors. **...Respondents**

Mr. Vaibhav Krishna with Mr. Tahir Pande i/b. M/s. Juris
Consillis for the Petitioner.

Mr. O.A. Chandurkar, Addl. GP with Mrs. Vaishali S.
Nimbalkar, AGP for Respondent -State.

CORAM: SANDEEP V. MARNE, J.

Dated: 2 April 2025.

P.C.:

1) These Petitions are filed challenging orders dated 19 January 2017 passed by the Chief Controlling Revenue Authority, Pune, rejecting the applications preferred by the Petitioner for refund of stamp duty.

2) It appears that Petitioner had earlier filed three separate petitions bearing Writ Petition (stamp) Nos.12807 of 2018, 12808 of 2018 and 12810 of 2018 challenging the impugned orders dated 19 January 2017. It appears that the said Petitions came to be dismissed on account of non-removal of office objections. The Registrar (Judicial-I) passed conditional orders dated 19 March 2019 and 20 March 2019 granting time to remove office objections and directing that non-removal of office objections would result in dismissal of the Petitions. Since office objections were not removed, Petitions came to be dismissed. The Petitioner thereafter simply slept over the matter and did not take any steps for revival of the said Petitions. He woke up out of his deep slumber five years later and attempted to seek certified copy of memo of the Petitions filed before this Court. By that time, the Registry had destroyed all the papers in 'rejected cases'. Accordingly, the papers of the said three Petitions came to be destroyed by the Registry by classifying the same as 'rejected cases' in the year 2023. Merely because the Petitioner is now not able to procure copies of memo of the Petitions filed in the aforesaid three Petitions, he has proceeded to file the present Petitions in respect of the same cause of action. In that view of

the matter present Petitions are in fact not maintainable. Petitioner has not filed any proceedings for restoration of these three Petitions, which have been dismissed for non-removal of office objections. He cannot file fresh petitions for same cause of action.

3) The Petitions are otherwise hit by the principles of delay and latches. Mere Petitioner's inability to secure copies of papers filed in Writ Petition (stamp) Nos.12807 of 2018, 12808 of 2018 and 12810 of 2018 cannot be a reason for ignoring the latches on his part in not taking any corrective measures in respect of the orders passed rejecting the earlier three Petitions.

4) In my view therefore, both on the ground of maintainability as well as latches on the part of the Petitioner, this Court is not inclined to exercise jurisdiction under Article 227 of the Constitution of India.

5) Petitions are accordingly **rejected**.

[SANDEEP V. MARNE, J.]