



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8653 OF 2025**

Supriya Prashant Mahajan and Ors. ... Petitioners
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Kishor Patil i/by Mr. Sidheshwar N. Biradar, for Petitioner.
Ms. Savina Crasto, AGP for State.
Mr. Vishnu Bhosale, Circle Officer, Theargaon, Mulshi, Pune, present.

CORAM: N.J.JAMADAR, J.

DATE : 22 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 16 December 2024 passed by the Circle Officer, Theragaon, Mulshi, Dist. Pune, whereby the certification of the mutation entry was declined on the premise that the State Government, in Home Department, had issued a Notification in exercise of the power under Sections 4 and 5(1) of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999, on 10 July 2023 in respect of Sairang Developers and Promoters Pvt. Ltd., the financial establishment.
3. The Petitioners have approached this Court as the impugned order has been passed by the Respondent No.2 in the face of an order passed by the Division Bench of this Court in WP No.11180 of 2024 in respect of the very

same subject property.

4. In the said WP No.11180 of 2024, the Petitioners had approached this Court as the Registrar of Assurances had refused to register the sale deed in respect of the subject property on the premise that it was covered by the said Notification, which was published in the Government Gazette on 10 July 2023.

5. In the face of the submission that the subject property was not covered by the said Notification, the Division Bench had called upon the Government Pleader to take instructions as to whether the subject property was covered by the said Notification. A statement was made by the Panel Counsel appearing on behalf of the Respondent therein that the property which formed the subject matter of the sale deed executed by the Petitioners was not attached. Recording such statement, the said Petition came to be disposed in the following terms :

“4. Today when the matter is called out, the learned Panel Counsel appearing on behalf of the Respondent, on instructions, has stated that after determining the factual position, it is correct to say that the property which forms the subject matter of the Sale Deeds executed by the Petitioner are not attached as per the Notification issued by the Government of Maharashtra under the provisions of the MPID Act. Once this is the statement made, and which we accept, we see no impediment in Respondent Nos.3 and 4 registering the Sale Deeds executed by the

Petitioners.

5. In these circumstances, we direct Respondent Nos.3 and 4 to register the Sale Deeds which form the subject matter of the above petition. This exercise shall be done by the Registering Authority within a period of two weeks from today.

6. The Writ Petition is disposed of in the aforesaid terms. No order as to costs.”

6. Pursuant to the aforesaid order of the Division Bench, the Sale Deed came to be registered on 8 November 2024. On the strength of the registered instrument, the Petitioners applied for mutation of the names of the purchasers in accordance with the provisions contained in Section 149 of the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land Revenue Record of Rights and Registers (Preparations and Maintenance) Rules, 1971. By the impugned order, the Circle Officer declined to certify the mutation entry on the self-same ground of attachment of subject property under the aforesaid Notification issued by the State Government.

7. Learned AGP was directed to take instructions whether the subject property is covered by the said Notification.

8. Ms. Crasto, the learned AGP submits that though the subject property does not form part of the Schedule of the properties appended to the said notification, yet since all the properties of the financial establishment have been attached, the Petitioner should have invoked the remedies under the

MPID Act.

9. The submission is required to be stated to be repelled. Under the said Notification, only those properties which are included in the schedule appended thereto, have been attached. Nothing prevents the State Government to resort to the attachment of other properties if it is found that those properties also belong to the said financial establishment, its directors, promoters or partner or manager or other members of the said financial establishment.

10. Moreover, once the Division Bench of this Court has directed the Registrar of Assurances to register the instrument rejecting the objections based on the very same Notification, it was not open for the revenue authorities to decline to certify the mutation based on the registered instrument. The Petitioners cannot be, thus, relegated to the remedies under the Maharashtra Land Revenue Code, 1966

11. In these circumstances, the Petition stands allowed in terms of prayer clauses (a) and (b), which read as under :

“(a) Quash and set aside the impugned order dated 16.12.2024 passed by the Respondent No.2 – Circle Officer, Thergaon, Tq. Mulshi, Dist. Pune, being illegal, arbitrary and bad in law;

(b) Pass appropriate order directing the Respondent No.2 – Circle Officer, Thergaon, Tq. Mulshi, Dist. Pune to certify the Mutation Entry No.6707 being effected on the basis of

registered Sale Deed dated 8.11.2024 in the interest of
justice;

12. The mutation entry be certified within a period of three weeks from the
date of communication of this order.

(N.J.JAMADAR, J.)