

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

CIVIL WRIT PETITION NO. 11982 OF 2025

Sandeep Bhausahab Shelar

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

**WITH
CIVIL WRIT PETITION NO.11988 OF 2025
WITH
CIVIL WRIT PETITION (ST) NO. 29872 OF 2025**

Mr. S. S. Panchpor a/w. Nilesh Choudhari for Petitioner.

Mr. Y. D. Patil, AGP for State in WP/11982/25.

Mr. P. V. Nelson Rajan, AGP for State in WP/11988/25.

Dr. Dhruvi M. Kapadia, AGP for State in WP/ST/29872/25.

Adv. Iourdu Agnes Merlin a/w. Sara Kazi for Respondent No.24 in WP/11982/25 and for Respondent No.25 in WP/11988/25.

Adv. Forum Chauhan for Respondent No.11 in WP/11982/25, WP/11988/25.

Mr. Mahesh Shirke for Respondent No.12 in WP/11988/25.

CORAM : AMIT BORKAR, J.

DATE : 24 NOVEMBER 2025

PC :

1. Leave to amend. Amendment to be carried out forthwith.
2. The record shows material that cannot be ignored. The purchasers had already placed their proposal for registration before the competent authority. That proposal was pending. Despite this, the Promoter submitted a fresh application. The

purchasers immediately informed the Assistant Registrar about the earlier proposal and requested that no order be passed without considering their pending claim. They also placed before the Assistant Registrar specific allegations that the proposal filed by the Promoter did not bear the genuine signatures of several purchasers. Some signatures were absent. Some appeared to be forged.

3. The conduct attributed to Respondent No. 3 raises a serious question on the propriety expected from a statutory officer. An officer entrusted with statutory duties must act with transparency and fairness. He must ensure that no party is prejudiced by deliberate omission or by ignoring material facts. If the officer proceeds to consider the Promoter's proposal without examining the purchasers' objections or without satisfying himself about the genuineness of the signatures, it indicates a failure to discharge statutory duty in a fair manner. Such conduct calls for a closer scrutiny.

4. In these circumstances, it becomes necessary for this Court to call upon the Assistant Registrar to explain his conduct. He shall file a personal affidavit. The affidavit must set out why action under the principles laid down in *Union of India v. K.K. Dhawan*, (1993) 2 SCC 56, should not be initiated against Respondent No. 3. The law declared in that judgment is clear. When an officer acts in a manner which discloses recklessness,

disregard of statutory duty, or conduct unbecoming of his office, the competent authority must consider whether a departmental enquiry is warranted. The present facts, on their face, attract that principle. The Assistant Registrar must therefore satisfy the Court that his conduct or the conduct of Respondent No. 3 does not fall within the parameters laid down by the Supreme Court.

5. He shall file his reply within one week from today.
6. Stand over to **01 December 2025.**

(AMIT BORKAR, J.)