

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SAYALI
DEEPAK
UPASANI**

WRIT PETITION NO. 4907 OF 2024

Prithviraj Jain

...Petitioner

Versus

State of Maharashtra and Others

...Respondents

Digitally signed by
SAYALI DEEPAK
UPASANI
Date: 2025.12.02
16:50:26 +0530

**Ms. Devika Madekar with with Mr. Jarin Doshi i/b Malvi
Ranchoddas and Co., for Petitioner.
Mr Mohit Jadhav, Additonal GP, for Respondent Nos. 1 to 3.**

**CORAM: M.S. Sonak &
Advait M. Sethna, JJ.**

DATED: 28 NOVEMBER 2025

PC:-

1. Heard Ms. Devika Madekar along with Mr Jarin Doshi, the learned Counsel for the Petitioner and Mr. Mohit Jadhav, the learned Additional G. P for the Respondent Nos. 1 to 3.

2. Ms. Madekar submits that an incorrect entry has been made in the property card concerning C.S. No. 347, Ratan Building, Wadia Street, Tardeo Division, Mumbai 400034. Therefore, the Petitioners, through their Solicitor's notice dated 12 July 2023, wrote to the Collector of Stamps, which, according to the Petitioners, is the Competent Authority, to make a correction.

3. The details based upon which such correction was sought have been set out in the letter of 12 July 2023, which is at Exhibit 'O', pages 187-193 of this Petition. Ms. Madekar submits that till date, the Collector of Stamps has not attended to this letter and carried out the necessary corrections. Therefore, she submits that a writ of mandamus is liable to issue to the Collector of Stamps.

4. In this matter, we had granted the Respondents time to file their reply in June 2024. Till date, no reply is forthcoming. Today, the learned Additional Government Pleader seeks additional time.

5. In terms of the remark, it appears that the letter of 12 July 2023 is in respect of an alleged transaction between Ms. Homai Daruwala and Mr. Ramniklal Mehta for transfer of a 1/5th undivided share in the subject property, which, according to the Petitioner, is 'completely wrong and erroneous'.

6. In the above circumstances, it was incumbent on the Petitioner to have impleaded Ms. Homai Daruwala and Mr. Ramniklal Mehta as Respondents to this Petition. This Petition, after alleging that the entry is 'wholly unlawful and illegal', seeks a mandamus to quash and/or delete the impugned entry i.e. the remark in column 17 reflecting in the property card. Such a relief cannot be granted in the absence of the persons whose names are reflected in the impugned entry.

7. Be that as it may, since we do not propose to go into the correctness or otherwise of the impugned entry, we think that it would not be in the interest of justice to non-suit the Petitioner on the above ground. Since the Petitioner had made a complaint to the Collector of Stamps, such complaint should have at least been considered and disposed of in accordance with law and on its own merits by the Collector of Stamps after hearing the Petitioner and the other affected parties i.e. the parties whose names are reflected in the impugned entry (remark in column No. 17) of the property card. We only propose to direct the Collector of Stamps to decide the Petitioner's complaint at Exh. -O and dispose of the same in accordance with law and fair procedures.

8. Accordingly, we direct the Collector of Stamps to dispose of the Petitioner's complaint dated 12 July 2023 within four months of the Petitioner supplying all details about the affected persons or their legal representatives from the date of uploading of this order in accordance with law and on its own merits. The Collector of Stamps must hear the Petitioner and other affected parties, i.e. the parties whose names are reflected in the impugned entry in the property card, and pass a reasoned order. Such a reasoned order must be communicated to all parties within six months of the Petitioners providing all details. The Petitioner must disclose all details of the persons whose names are reflected in the impugned entry.

9. The learned Counsel states that Ms Homai Daruwala and Mr Ramniklal Mehta may have expired by now. Accordingly, they should give their full details. If this is so, it shall be the responsibility of the Petitioner to furnish the details of the legal representatives to the Collector of Stamps. Unless this is done and all parties likely to be affected are served with proper notices, the six-month period now indicated by us will not commence. Such details should be furnished by the Petitioner within four weeks of the uploading of this order.

10. We clarify that we have not examined the Petitioner's contentions about the impugned entry on merits and therefore, all contentions of all parties are expressly kept open to be decided by the Collector of Stamps in the first instance.

11. If any of the parties are aggrieved by the Collector's decision, they shall be at liberty to challenge the same in accordance with law before the appropriate forum.

12. This Petition is disposed of in the above terms without any costs order. All concerned are to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J)