



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 266 OF 2025

(Mahesh Nanakram Batheja & Ors.

Vs.

The State of Maharashtra, Thr. Department of Revenue, Mantralaya,
Mumbai & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.A. Naik, Senior Advocate a/b Mr. A.S. Manohar, Advocate for the Petitioner/s.
Mr. N.R. Patil, APP for the Respondents/State.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 4th APRIL, 2025

1. Heard Mr. Naik, learned Senior Counsel for the Petitioners and Mr. Patil, learned APP for the Respondents/State.

2. Though Mr. Patil, learned APP for the Respondents/State, seeks time, however, considering the nature of controversy, the request is rejected.

3. On 24.03.2025, we have recorded the following position.

“Heard Mr. Sambre, learned counsel for the petitioners. The petition questions the communications dated 13.8.2024 (page 204); 14.8.2024 (page 206) and 27.8.2024 (page 208),

issued by the respondent No.2 indicating that the registration of the immovable properties of the petitioners shall not be permitted on account of the communications dated 15.7.2024 and 25.07.2024, by the State CID, which is based upon the registration of the offences against the relatives of the petitioners. It is contended, that there is no statutory provision, which empowers the respondent No. 1 to issue such direction prohibiting registration of the sale of such immovable properties in the above contractual background.”

4. Today though Mr. Patil, learned APP for the Respondents/State, tries to justify the impugned communications dated 25.07.2024, 13.08.2024, 14.08.2024 and 27.08.2024 by the State CID addressed to the Respondent No.2 directing him to not to register the sale deeds of the immovable properties of the Petitioners, he has been unable to point out any statutory provisions empowering the Respondent No.3 to do so. It is also necessary to note, that the transaction, as intended by the Petitioners are something, which are permissible in terms of the provisions of Section 54 of the Transfer of Property Act, 1882 read with Section 17 of the Registration Act, 1908 and there is no statutory provisions for such transaction.

5. Though Mr. Patil, learned APP for the Respondents/State, relies upon Rule 44(1)(i) of the Maharashtra Registration Rules, 1961, it only applies to any document which is indented to be registered, if such transaction in such documents relates to what is prohibited by any existing Act of Central or State. As there is no statutory provision brought to our notice which would indicate the transaction, as is intended to be evidenced by the

document which was presented to the concerned Sub-Registrar, is prohibited, in view of the same, the impugned communications dated 25.07.2024, 13.08.2024, 14.08.2024 and 27.08.2024 are hereby quashed and set aside.

6. The Petition is accordingly **allowed** in the above terms. No costs.

7. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)