IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 481 OF 2024

Mukund Vitthal Tasgaonkar
Age – 71 years, Occu : Retired
R/a 6-B, Cooper Employees Ltd.
Sector No.28, Ganganagar, Pradhikaran
Nigdi, Pune 411 044. .....Petitioner

Versus

1. The Commissioner,
Pimpri Chinchwad Municipal Corporation,
Mumbai Pune Road,
Pimpri, Pune 411 018.

2. The Chief Executive Officer,
Pune Metropolitan Regional
Development Authority,
Off. At : Survey No.152 & 153, Maharaja
Sayagi Gaikwad Udyog Bhavan Aundh,
Pune, 411 067. .....Respondents

.....

Mr. S.S.Panchpor a/w Mr. Parmeshwar Andil, for the Petitioner.

Mr. Swapnil R. Patil for the Respondent No.1 – PCMC.

Mr. Shekhar Jagtap for the Respondent No.2 – PMRDA.

.....

CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.

RESERVED ON : : 15th OCTOBER, 2026

PRONOUNCED ON: : 22nd OCTOBER, 2026

RUPALI RAJESH WAKODIKAR
Digitally signed by RUPALI RAJESH WAKODIKAR
Date: 2026.10.23 10:58:27 +0530

JUDGMENT (PER SANDESH D. PATIL, J.)

1. Rule. Rule is made returnable forthwith and with the consent of the parties is taken up for final hearing.

2. By the present Writ Petition, the Petitioner is seeking a direction against the Respondent Nos.1 and 2 to transfer the Block No.6/B, Sector No.28, Ganganagar Pradhikaran, Nigdi, Pune, in the name of the Petitioner, in the records of the Municipal Corporation.

3. The Petitioner is occupying and is in possession of the said Block No.6/B situated at Cooper Employees CHS Ltd. The plot was allotted to the co-operative housing society by Pimpri Chinchwad New Town Development Authority ('PCNTDA' for short) as per the Disposal of Land Regulations, 1973.

4. The Co-operative Housing Society constructed building upon the said plot of land. The society allotted one such block No.6/B ('said block' for short) in the said society to one Mr. Trimbak Vinayak Garbhe.

5. On 7th October, 1984, said Trimbak Vinayak Garbhe executed an Agreement to Sale dated 7th October, 1984, in favour of the

petitioner, thereby selling the said block to the Petitioner for consideration. The entire consideration was paid by the Petitioner to his vendor. The possession was handed over to the Petitioner. The Petitioner applied to the Cooper Employees CHS Limited for membership in respect of the said block. The society initially rejected the application. The Petitioner preferred an appeal before the Deputy Registrar, Co-operative Society Haveli, Pune, who allowed the appeal *vide* an order dated 2nd March, 1993. The society preferred Revision Application against the order passed by the Deputy Registrar before the Divisional Joint Registrar of Co-operative Society, Pune. That Revision Application was rejected *vide* Order dated 22nd June, 1994 and the Order of the Deputy Registrar dated 2nd March, 1993 in Appeal No. 7 of 1992 was upheld. The Society ultimately admitted the Petitioner as a member of the society in place of Mr. Trimbak Garbhe and the Share Certificate was mutated in the name of the Petitioner. Therefore, the Petitioner preferred an application before the PCNTDA to transfer the said block in his name in the record of the PCNTDA Authorities. The PCNTDA refused to transfer the block in the name. Hence, the present petition is filed.

6. We have heard learned Counsel appearing for the parties.

7. We have perused the documents on record. The Petitioner is admittedly in possession of the said block. The name of the Petitioner finds place in the records of the society. Although, initially the co-operative housing society rejected the application of the Petitioner, after long drawn battle, the said application was allowed and the Share Certificate was issued in the name of the Petitioner. The only contention of the PCNTDA is that the agreement dated 7th October, 1984 executed in favour of the Petitioner is only an Agreement for Sale and no registered sale deed has been executed in favour of the Petitioner and therefore, the name of the Petitioner cannot be entered in the records of the Municipal Property.

8. An affidavit was filed by the Respondent No.2, objecting the petition of the Petitioner. The Respondent No.1 has also objected the application of the Petitioner. The fulcrum of the of the objection is that the document dated 7th October, 1984 in favour of the Petitioner is an Agreement for Sale and not a registered conveyance.

9. The Petitioner is residing in the said Block No.6/B since 7th

October, 1984. The society issued a Share Certificate in favour of the Petitioner. The Petitioner is not seeking any declaration of title in the present Writ Petition. All that he is saying is that his name should be mutated in the records of the Respondent – Corporation. The Petitioner's name is already recorded on the property tax register with the Respondent- Corporation and claims to be a regular taxpayer of Respondent No. 1.

10. It is settled position of law that the records maintained by the Municipal Corporation are only for the fiscal purposes. Only because the name of a particular person is entered in the records of the Corporation, would not confer any title right upon the person whose name is entered in the records of the Corporation. Thus, the objection of the Respondent No.1 that the property cannot be mutated in the name of the petitioner only on the ground that the agreement in favour of the petitioner is not registered, cannot be considered to be a valid ground especially because the Petitioner is already recorded in the property tax register. At no stretch of imagination, mutating the name of the petitioner in the records of the Corporation would tantamount to transfer of the title. This being

the position, the arguments of the respondent No.1 deserves to be rejected.

11. The Petitioner had filed the application for entering his name in the Municipal Records the first time on 30th July, 1996 before the Respondent No.1. who had refused to accept the application of the Petitioner. The Respondent No.1 is directed to accept the application of the Petitioner dated 30th July, 1996 and charge the transfer fees for mutation of Petitioner's name in their records as per the rates prevailing at that time when the application was first time made on 30th July, 1996. It is made clear that we have not decided upon the merits of the case of the petitioner including title of the petitioner to the said block.

12. In these premises, the petition of the petitioner deserves to be allowed. Hence, the following order :

: ORDER :

(i) The Respondent No.1 is directed to enter the name of the petitioner in its records as per the provisions of the Maharashtra Municipal Corporations Act, 1949.

(ii) The Respondent No.1 is directed to charge the transfer fees for the transfer and mutation of the petitioner's name as per the rates prevailing at that time when the application was made for the first time on 30th July, 1996 before the respondent Nos.1 and 2.

(iii) We make it clear that the directions issued in this petition would not amount to any imprimatur by us on the title of the petitioner.

(iv) Rule is made absolute in the aforesaid terms. Petition is accordingly disposed of with no order as to costs.

(SANDESH D. PATIL, J.) **(M. S. KARNIK, J.)**