

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1985 OF 2026

Jacintha Charles D'souza

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. V. M. Parkar for the Petitioner.

Ms. P. J. Gavhane, AGP for Respondent-State.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 5th MARCH 2026.

P.C. (Per S. M. Modak J.) :-

1. Heard, learned advocate for the Petitioner and learned AGP for Respondents. Vide complaint dated 25th August 2025, the Petitioner has written to Inspector General of Registration-Respondent No.2. It is in respect of Supplementary Development Agreement dated 9th December 2016 alleged to be executed on the basis of Power of Attorney dated 12th November 2007. The Petitioner contend that the Power of Attorney was executed by committee of society and there was no power given thereby executing a Supplementary Development

Agreement. Even though there was no power, Supplementary Development Agreement was registered and the concern Sub Registrar was negligent in conducting proper enquiry and he got the Supplementary Development Agreement registered. The Respondent No.2 has not taken any action and that compelled the Petitioner to issue legal Notice on 19th November 2025. Still Respondent No.2 has not paid any heed to that legal notice. On this background, Joint District Registrar, Mumbai vide his letter dated 4th December 2025 has forwarded the complaint of Petitioner to Joint District Registrar, Thane. The Petitioner contends that no decision was taken on his complaint and that is why he has filed the present Petition praying for issuing writ of mandamus against the Respondents thereby asking them to conduct the enquiry on his complaint. Sum and substance of his complaint can be narrated as follows:

- a) Mr. Lazarus Serrao was a member of society Navrang Cooperative Housing Society, Majiwada, Thane. He died on 16th August 2006.
- b) After his death, his wife Mrs. Agnes Serrao become member of

that society.

- c) During her lifetime the society has executed development agreement on 12th November 2007 with M/s. Abode Builders and Developers and permitted them to develop a piece of land alongwith the two buildings.
- d) The said Agnes died on 8th April 2012 and the Petitioner become the member of that society with the consent of other legal heirs.
- e) On this background he has complained that there was a Supplementary Development Agreement dated 9th December 2016.

2. It is her further case that development agreement was executed with the builder on 12th November 2007 on behalf of the society and it was signed by all the members. There was also a Power of Attorney executed by the committee members on behalf of the society on 12th November 2007 in favour of the builder. It is her further contention that in that Power of Attorney the committee members have not authorized the builder to execute a Supplementary Development Agreement and in fact Supplementary Development

Agreement was registered. On this background he has made complaint.

3. When we have perused the record, it is true that the Joint District Registrar Mumbai vide letter dated 4th December 2025 has forwarded the complaint to Joint District Registrar, Thane. On going through the record it reveals that no decision was taken on the basis of the said complaint. If the decision is not taken, we deem it proper to issue directions to those authorities to take appropriate decision in accordance with law.

4. Learned AGP submitted that the authorities as per the Registration Act are not having power to impound and revoke the Supplementary Development Agreement and that power lies with the Civil Court. Be that as it may, it does not prevent us from issuing certain directions. Ultimately it is the concerned authorities who have to take decision as per the merits and if they feel that such power is not there, they are at liberty to reject the complaint on that ground.

5. In the papers there is one report filed by the Police Inspector addressed to Maharashtra Human Right Commission. It seems that the report was submitted on the basis of complaint made by the Petitioner

with Maharashtra Human Rights Commission. We are not going into contents of that report, except by saying that either of the parties are liberty to point out that report to the Respondents when they will look into the complaint made by the Petitioner. In view of that we are disposing of the Petition by passing the following order:

ORDER

- (i) Respondent Nos. 1 to 4 are directed to decide the complaint made by the Petitioner dated 25th August 2025.
- (ii) The Petitioner is directed to appear before Respondent No.3 on 16th March 2026 at 11.00 am.
- (iii) Respondent No.3 after hearing the Petitioner is directed to take the appropriate decision as per the merits within 8 weeks from 16th March 2026.
- (iv) All contentions of the parties are kept open.
- (v) It is made clear that we have not expressed any opinion about the merits of the matter.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)