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Near Dr.Nahar, Pune 411 011.

Date : 15th July 2017.

SEARCH REPORT AND TITLE REPORT

On behalf of my client M/s. Ahura Builders,a registered partnership Firm, having office at : 957, Maa Parvaz Road, Nana Peth, Pune - 411 002. Through it's Partner Shri. I. P. Inamdar, I have investigated the title of the land bearing Survey No. 18 Hissa No. 6 Village Kondhwa Khurd, Taluka Pune City, District : Pune. admeasuring 1 Hector 49 Aar, for this purpose, I have gone through all concerned records, lodged in the Sub-Registrar's Office Haveli No. I, II, III & 12 Pune, the Tahsildar's and City Survey offices of Pune City. I have also gone through all cornered documents made available to me by the owners. The brief history and title of land in question is as follows:-

Date	Particulars
29.10.1969	The land bearing Survey No. 18 Hissa No. 6 of village Kondhwa Khurd, Tal. Pune City, District Pune within the limits of the Pune Municipal Corporation admeasuring 1 Hectare 49 Aars was originally owned by Shri. Tukaram Mahadeo Mandhare, Shri. Subhash Tukaram Mandhare and Shri Uttam Tukaram Mandhare being a minor through his natural guardian Shri. Tukaram Mahadeo Mandhare. Mr. Behram Horamsadiyar Menuchery & Mrs. Shirin Khushanudi Behramji Menuchery purchased the said land from above said owners vide Registered Sale deed dated 29/10/1969 registered at Sr. No 5263 at office of sub Registrar Haveli Pune. Thus Mr. Behram Horamsadiyar Menuchary &his wife Mrs. Shirin Khushanudi Behramji Menuchary became absolute owners of the said land having their equal share in it.
31.01.1972	Mr. Behram Horamsadiyar Menuchery & Mrs. Shirin Khushandi Behramji Menuchery entered into an agreement dated 31.01.1972 with Mr. P A. Inamdar on the terms & conditions mentioned therein & handedover actual and physical possession of said land to Mr. P. A. Inamdar. vide said agreement.
14.08.1976	On 17/2/1976, the Urban Land (Ceiling & Regulation) Act 1976 came into force. Hence on 14.08.1976 Shri. Behram Menuchary for self and on behalf of wife filed statement U/s. 6(1) of the Said Act before the Competent Authority Pune in respect of said land his and other properties.

23.05.1978	The Dy. Collector & the Competent Authority, Pune decided the U. L. C. Case u/s. 8 (4) of the said Act and declared the land in question as excess vacant land.
1987	Survey No. 18 of village Kondhwa Khurd is shown in Residential Zone in the 1987 in the revised Final sanctioned Development plan of the Pune Municipal Corporation.
30.07.1992	On 30.07.1992 Mr. Behram Horamsadiyar Mebuechary executed his last Will and thereby bequeathed his ½ share in S. No. 18 Hissa No. 6 of village Kondhwa Khurd, Pune equally amongst his following heirs :
	1. Mrs. Shirin Khushanudi . Behram Menuchery (Wife)
	2. Mrs. Banoo Menuchery alias Afrin Irani. (Daughter)
	3. Mrs. Manijeh Menuchery (Daughter)
	4. Mr. Menucher Menuchery (Son)
03.06.01993	Mr. Behram Menuchery nominated and appointed his wife Mrs. Shirin Khushanudi Behramji Menuchery as the sole executor of his aforesaid last will and testament dated 30/7/1992. Mr. Behram Menuchery Expired on 3/6/1993 at Pune. On the basis of last will of Behram Menuchery his wife Mrs. Shirin his daughters namely Banoo and Mrs. Manijeh Menuchery and his only son Shri. Menuchery became owners of the above land owned by Shri. Behram
23.09.1997	It is seen that on 23.09.1997 Mr. Vijay Devraj Mehta and Mrs. Shakuntala Vijaykumar Mehta filed a Regular civil suit bearing No. 1387/1997 in the Pune Civil Court against 1) Vithal Rukmai Co-operative Housing Society 2) Mr. Ramchandra Gopal Bhate 3) Shrikant Surajprakash Sharma and 4) Mrs. Shirin Menucheri.
23.10.1997	In said civil suit an ex party order was obtained by Mr. Mehta below exhibit 5 for, not to create third party interest and not to disturb Plaintiffs possession till 06.11.1997.
06.11.1997	On application made by Mr. Mehta's order dated 23.10.1997 was extended till 11.11.1997 by the court.
11.11.1997	Mr. Mehta again made an application for extension of interim order dated 23/10/1997 and 6/11/1997. Which was allowed by order passed below Exh 5 on 23.10.1997 And temporary injunction is extended until further order
11.02.1998	Mr. P. A. Inamdar filed a Special Civil Suit bearing No. 282 of 1998 in the court of Civil Judge Senior Division Pune against Mrs. Shirin K. Behram Menuchery, Ms. Banoo Menuchery / Mrs. Aufarin Irani, Mrs. Manjeh

	<p>Menuchery and Mr. Menucher Beheram Menucheri. For specific performance of agreement dated 31/1/1972 and also moved application for temporary injunction at Exh.5 for granting interim injunction</p>
27.04.1998	<p>The Court allowed Exhibit 5 in above mentioned Spl Civil Suit thereby passing following order that, the Defendants and any person on their behalf are hereby restrained from creating third party interest in the suit property till the disposal of the suit</p>
10.07.2001	<p>After demise of Behram Horamsadiyar Menuchery his wife Smt. Shirin Khushanidi Behramji Menuchery had filed appeal U/s. 33 of the U.L.C. Act before the Additional Commissioner, Pune division, Pune. The said appellate authority decided this appeal on 28/8/2001 bearing U.L.C. appeal No. 2214/2001 and declared Survey No. 18 Hissa No. 6 admeasuring 1 Hecter 49 Aars as retainable land. Thus the said land is Non-vacant and retainable land under the U. L. C. Act 1976.</p>
16.06.2004	<p>The New Heaven's Park No. II Co-Operative Housing Society Ltd. came to be registered vide Registration certificate No.PAN/(PAN)91/HSG/(TO)621/2004-2005, issued by the Dy Registrar of Co-operative Societies Pune City (1) Pune.</p>
21.09.2004	<p>Regular Civil suit No 1387 of 1997 filed by Mr. Vijay D Mehta in Pune Civil Court came to be dismissed due to non prosecution and default.</p>
<p>Filed on 11.10.2004 Registered on 05.08.2005</p>	<p>Against the order dated 21.09.2004 of Civil judge Junior Division Pune Mr. Mehta filed Civil Misc Appeal No 514 of 2005 before Hon'ble District Court, Pune. The said appeal was decided without service to the land lady smt. Shrini K Menucheri . District Court by its order dated 21.09.2005 restored the said civil suit No.1387/1997 to its original stage.</p>
08.02.2006	<p>Spl C S No. 282/1998 filed by Mr. P A Inamdar came to be decreed on 08/02/2006 by way of compromise entered between Mr. Inamdar and Defendants Menucheri family. Accordingly both the parties filed joint compromise pursis on agreed terms & conditions mentioned therein before the Hon'ble Court. On the basis of said joint compromise pursis the Hon'ble Civil Court was pleased to pass an order dated 08.02.2006 that, in view of terms at Exh 18 the suit is decreed in terms of compromise.</p>
04.08.2006	<p>As per order passed dated 08.02.2006 in Special Civil Suit bearing No. 282 of 1998 by Civil Judge Senior Division Pune, Mrs. Shirin Khushnudi Behramji Menchhery sold and conveyed the said land to New Heaven's Park No. II Co- operative Housing Society Ltd by executing and admitting the Registered sale deed dated 4/8/2006 Registered at Sr. No. 6258 of 2006 Registered with the office of Sub Registrar, Haveli No. 11 Pune for self and as</p>

25.08.2006	<p>the Executor of the will of late Mr. Behramji Menucheri with the consent of all beneficiaries/legal heirs namely Ms. Banoo Menuchery / Mrs. Aufarin Irani, Mrs. Manjeh Menuchery and Mr. Menucher Beheram Menucheri. Mr. P A Inamdar was also a consenting party to the said sale deed. New Heaven's Park No. II Co- operative Housing Society Ltd paid consideration for the sale deed to Mrs. Shirin Khurshnudi Behramji Menchuery and all beneficiaries/legal heirs, individually by separate cheques.</p> <p>On the basis of said sale deed dated 04.08.2006 the 7/12 extract of S. No 18 Hissa No 6 is corrected by the Revenue Authorities and the name of the Purchaser Co-operative housing society is entered in the 7/12 extract as owner vide mutation entry No. 15062. The Symbolical possession of the said land was also handed over to the Society by the owners with a right to take possession of the land from Shri. P. A. Inamdar directly.</p>
01.09.2006	<p>The Heaven Park Co-operative Housing Society II Pune executed development Agreement with M/s Ahura Builders, Pune to develop the land bearing S. No. 18 Hissa No. 6 of village kondhwa Khurd, Pune, vide Development agreement dated 1st Sept 2006 Registered at Sr. No. 7014 of 2006 registered with the Sub-Registrar Haveli No. 11 Pune City on the terms and conditions mentioned therein. In the said agreement M/s. Ahura Builders have agreed to take possession of the subject land from Mr. P. A. Inamdar, Pune directly on the terms and conditions to be decided by and between M/s Ahura Builders and Mr. P. A. Inamdar.</p>
15.09.2006	<p>M/s. Ahura Builders executed an agreement dated 15.09.2006 with Mr. P. A. Inamdar for taking actual and physical possession of the said land for development. As per said agreement Mr. P. A. Inamdar had partly handed over possession of the said land.</p>
15.04.2009	<p>New Heaven's Park No. II Co-operative Housing Societies Ltd submitted layout plan of Buildings proposed to be construed on the said land and got it approved from the Pune Municipal Corporation vide C.C. No. DPO/SECVI0026/09 dated 15/04/2009.</p>
16.07.2009	<p>By order bearing No. PMH-NA/SR/253/2009 dated 16/07/2009 The collector of Pune granted N.A Permission in respect of entire land bearing Survey No. 18 Hissa No. 6 to the owner New Heaven's Park No. II Co-operative Housing Society Ltd.</p>
04.10.2012	<p>Mr. Vijaykumar Devraj Mehta and Mrs. Shakuntala Vijaykumar Mehta filed another civil suit before the Hon'ble Civil Judge Senior Division, Pune bearing Special Civil Suit No 1242 of 2012 against Mrs. Shirin Khushnudi Menucheri and 6 others namely Mrs. Banoo Behram</p>

Menucheri alias Afreen Irani, Miss Manijeh Behram Menucheri, Mr. Menuchar Behram Menucheri, Mr. P A Inamdar, New Heaven's Park No. I Co-operative Housing Society Ltd and New Heaven's Park No. II Co-operative Housing Society Ltd. For granting following reliefs:-

- a. It be declared that the sale deed dated 04.08.2006 and registered in the office of Sub Registrar Haveli No. XI at Sr. No. 6257 of 2006 by the Defendant No. 2 to 5 in favour of Defendant No. 6 as illegal, void ab initio and in defiance with orders passed in regular Civil suit No. 1387 of 1997 and not binding upon the Plaintiffs.
- b. It be declared that the sale deed dated 04.08.2006 and registered in the office of Sub Registrar Haveli No. XI at sr. No. 6258 of 2006 by the Defendant No. 1 hand in gloves with defendant No. 2 to 5 in favour of Defendant No. 7 as illegal, void ab initio and in defiance with the orders passed in regular Civil suit No. 1387 of 1997 and not binding upon the Plaintiffs.
- c. It be declared that the development carried out by the defendant No. 6 and 7, their assigns, nominees, administrators, attorney holders etc. over part of the suit property on the basis of alleged rights created on the basis of aforesaid sale deeds as illegal void ab initio.
- d. The defendant No. 6 and 7, their assigns, nominees assigns, administrators etc be restrained by an order of permanent injunction from developing the part of the suit property and or changing the nature of the said suit property.
- e. The defendant No. 6 and 7 their assigns, nominees, assigns, administrators etc be restrained by an order of permanent injunction from disturbing the possession of the Plaintiffs to and over the suit property.
- f. The defendant No. 6 and 7 their assigns, nominees, administrators etc be directed by an order of mandatory injunction from vacating part of the suit property encroached by them and from removing themselves and their material from part of the suit property.
- g. The defendant No. 6 and 7 their assigns, nominees assign, administrators etc be directed

by an order of mandatory injunction to demolish the illegal structure put up on part of the suit property and restore the said portion/part of the suit property unto and in favour of the plaintiffs.

- h. The defendant No. 6 and 7 their assigns, nominees, administrators etc be restrained by an order of permanent injunction from creating further third party interest of whatsoever in respect of the suit property.*
- i. Interim reliefs in terms of prayers above may please be granted.*
- j. Cost of the suit be awarded to the plaintiffs from the defendants.*
- k. Any other just and equitable orders as any be deem fit in the circumstances by the Hon'ble court may please be passed.*

The said suit is still pending without any interim or final orders, even when application at Exhibit 5 is filed by Plaintiff, Mr. Mehta.

In year 2013 the Mr. Vijay Devraj Mehta filed an application dated NIL before the Tahsildar, Pune for entering lis-pendent of civil suit bearing No. 1387/1997 on 7/12 extract of subject property. Stating that the civil suit bearing No. 1387 of 1997 which was dismissed on 21.09.2004 was restored by the order dated 24.05.2005 passed by Hon'ble District Court, Pune. in civil suit No. 1387/1997, in the said suit following are the Defendants i.e. 1) Vithal Rukmai Co-operative Housing Society 2) Mr. Ramchandra Gopal Bhate 3) Shrikant Surajprakash Sharma and 4) Mrs. Shirin Menucheri who had no rights on the said land. In the year 2013 none of the above defendants had any ownership title or possession or any way concern with land bearing S. No 18 Hissa No 6 of village kondhwa khurd Pune. The New Heaven's Park No. II Co-Operative Housing Society Ltd Pune is owner since 4/8/2006 and M/s. Ahura builders, Pune were Developers of the said land. The New Heaven's Park No. II Co-Operative Housing Society Ltd was or is not a party to the civil suit No. 1387/1997.

As per Application dated Nil the entry of Lespendancey came to be made by the Tahsildar Pune City Pune Vide Mutation Entry No 18210 at other rights coloum of 7/12 extract of S. No 18 Hissa No 6 of village Kondhwa Khurd Pune

17/4/2013

24/7/2013

07.08.2013	<p>The Defendant New Heaven's Park No. II Co-Operative Hosing Society Ltd made an application under order 7 Rule 3 & 11 of Code of CPC in the Pending Spl. Civil Suit No 1242 of 2012 at Exh 55 with the following prayers:</p> <p>1) Plaintiff may kindly be rejected for non disclosure of cause of action and for defect in not following the principle of law as mentioned above.</p>
27.03.2014 & 14.07.2014	<p>M/s. Ahura Builders, Pune have completed the construction of Residential building's A, B, and C on the subject land and have obtained Completion Certificate dated 27/3/2014 and 14/7/2014 for said buildings A, B and C from PMC.</p>
12.08.2014	<p>Mr. Vijay Devraj Mehta filed a Writ Petition No. 8846/2014 before Honble Bombay High Court against following Respondents :</p> <ol style="list-style-type: none"> 1. Pune Municipal Corporation 2. The Collector Pune 3. Mrs. Shirin Khushnudi Behramji Menucheri 4. Mrs. Banoo Behramji Menucheri alias Afreen Irani 5. Miss Manijeh Behram Menucheri 6. Mr. Menuchar Behram Menucheri. 7. New Heavens Park No I co-op Housing society Ltd 8. New Heavens Park No II co-op Housing society Ltd <p>Seeking following relief/ prayers.</p>
	<p>a) This Hon'ble Court be pleased to issue a Writ of mandamus or any other appropriate Writ and direct the Respondent No. 1 & 2 to take necessary action on the letters dated 16/3/2013 and 18/7/2014 addressed to the Respondent No 1 & 2 (Exhibit "G" to the Petition) and the Hon'ble Court be pleased to further direct the Respondent No. 1 to issue stop work notice in respect of the illegal construction activities at the suit property and the Hon'ble Court be also pleased to direct the Respondent No.2 to cancel the N. A permission granted in respect of the suit property.</p> <p>b) This Hon'ble Court be pleased to call for an explanation from the authorities of the Respondent No. 1 & 2 as to why no action has been taken on the letters dated 16/3/2013 and 18/7/2014 addressed to the Respondent No. 1 & 2 (Exhibit "G" to the instant Petition) and necessary action as per law may kindly taken against Respondent No. 1 & 2;</p>

	<p>c) <i>Interim and ad-interim relief in terms of prayer (a) & (b) may be kindly granted in favor of the Petitioners and against the Respondents;</i></p> <p>d) <i>Such other orders may be passed and reliefs be granted in favor the Petitioner as this Hon'ble Court may deem just, legal and proper;</i></p>
10.10.2014	The New Heaven's Park No. II Co-Operative Hosing Society Ltd filed, RTS Appeal dated 10.10.2014 bearing No. 718/2014 before Sub Divisional Officer, Haveli Pune challenging the said lis-pendent entry. The said appeal is still pending.
17.04.2015	Writ Petition No. 8846/2014 was withdrawn by Mr. Mehta unconditionally vide order passed by Hon'ble Bombay High Court, dated 17/4/2015.
07.05.2016	The Said application of Defendant Co-operative society dated 7/8/2013 under order 7 Rule 3 & 11 of Code of CPC at Exh 55 in Spl. Civil Suit No 1242 of 2012 was not allowed by the Hon'ble Court Pune.
07.07.2016	Being aggrieved by the order dated 07.05.2016 passed below Exh 55 i.e. Rejection of Plaintiff in special Civil Suit No. 1242 of 2012, The New Heaven's Park No. II Co-Operative Hosing Society Ltd filed Civil Revision Application No. 578/2016 in The Hon'ble Bombay High Court against Mr and Mrs Mehta. The same is still pending.
13.12.2016	The Pune Municipal Corporation issued Ex-party stop work Notice to M/s. Ahura Builders on the basis of complaint/ application filed by Mr. Mehta before Honble Commissioner Pune Municipal Corporation and the Honble City Engineer Pune Municipal Corporation. With the following Prayers:
30.12.2016	<p>“ Thus in circumstances your good office is hereby requested to take necessary action against the any kind of construction activities is any being carried out on the said properties and your good office is further requested that no Completion Certificate and/or any kind of any sanction be issued will be at your risk, cost and consequences thereof, which please note.”</p> <p>After hearing the New Heaven's Park No. II Co-Operative Hosing Society Ltd and M/s. Ahura Builders, Pune the Additional Commissioner Pune Municipal Corporation lifted the said stop work notice dated 13/12/2016.</p>
24.02.2017	Thereafter Mr. and Mrs. Mehta preferred a Writ petition bearing No 2736 of 2017 before the Hon'ble Bombay High Court. Against following Respondents.

1. Pune Municipal Corporation,
Through Municipal Commissioner,
2. Assistant Commissioner,
Pune Municipal Commissioner;
3. Executive Engineer,
Building Department, Zone -5,
Pune Municipal Commissioner
4. Deputy Engineer
Building Department, Zone -5,
Pune Municipal Commissioner
5. City Engineer
Building Development Department Zone - ,
Pune Municipal Corporation,
6. M/ s . Ahura Builders
7. New Heavens Park No II Co Operative
Society
8. Vitthal Rukumni Co Operative Housing
Society Ltd
9. Smt. Shirin Behramji Irani @ Manucheri
Miss Manijeh Behram Menucheri
Mr Menuchar Behaam Menucheri
10. The State Of Maharashtra

In the said Writ Petition following reliefs were sought:

- a) This Hon'ble court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus certiorari or any other appropriate writ, order and / or direction under Article 226 of the Constitution Of India calling for the record and proceeding in respect of status of notice dated 13.12.2016 issued u/s 267(1) of MMC Act r/w Section 54 of MRTP act as well as record in respect of purported hearing / s schedule before Assistant Commissioner , P.M.C in relation to the development proposal on the "subject property."

- b) After perusal of the records and proceeding as called for above , this Hon'ble court be pleased to quash and set aside any order / recording of

minutes passed in any further hearing scheduled as per letter dated 3.1.2017 of the City Engineer , bearing reference No 3422 before Assistant Commissioner, P.M.C in relation to the development proposal in the subject property”;

c) This Hon'ble court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus certiorari or any other appropriate writ, order and /or direction under Article 226 of the Constitution Of India, restraining Respondent No.2 from conducting any further hearing as mentioned in letter dated 3.1.2017 bearing reference No. 3422, purportedly in the nature of review in relation to the development proposal on the “subject property”;

d) This Hon'ble court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus certiorari or any other appropriate writ, order and /or direction under Article 226 of the Constitution Of India, directing Respondent Nos. 1 to 6 to take action in relation to effective implementation / execution of notice dated 13.12.2016 bearing reference No 3140 issued u/s 267 (1) of M.M.C. Act r/w section 54 of M.R.T.P. Act in relation to development in the “subject property” and further be directed to take action for unauthorized construction carried out after the said notice dated 13.12.2016.

e) This Hon'ble court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus certiorari or any other appropriate writ, order and / or direction under article 226 of the Constitution Of India ,the Respondent Nos. 1 to 6 be directed to act on complaint dated 30.12.2016 of the petitioner in relation unauthorized development in the “subject property”;

f) This Hon'ble court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus certiorari or any other appropriate writ, order and /or direction under Article 226 of the Constitution Of India, directing Respondent Corporation to initiate action u/s 54(2) of MRTP Act against Respondent No 6 in view of complaint dated 31.12.2016 of the Petitioner.

g) Pending the hearing and final disposal of the present writ petition this Hon'ble court be pleased to quash and set aside any order recording of minutes passed in any further hearing scheduled as per letter dated 3.1.2016 of the City Engineer bearing reference No. 3422 before Assistant Commissioner P.M.C in relation to the development proposal in the "subject property";

h) Pending the hearing and final disposal of the present writ petition, this Hon'ble court be pleased to restrain Respondent No 2 from conducting any further hearing as mentioned in letter dated 3.1.2017 bearing Reference No 3422, purportedly in the nature of review in relation to the development proposal in the "subject property";

i) Pending the hearing and final disposal of the present writ petition, this Hon'ble court be please to direct Respondent No 1 to 6 to take action in relation to effective implementation /execution of notice dated 13.12.2016 bearing reference no 3140 issued u/s 267(1) of M.M.C. Act r/w. Section 54 of M.R.T.P. Act in relation to development in the "subject property" and further be directed to take action for unauthorized construction carried out after the said notice dated 13.12.2016

j) Pending the hearing and final disposal of the present writ petition , this Hon'ble court be pleased to direct Respondent Nos 1 to 6 to act on complaint dated 30.12.2016 of the petitioner in relation unauthorized development in the "subject property";

k) Pending the hearing and final disposal of the present writ petition , this Hon'ble court be pleased to direct Respondent Corporation to initiate action u/s 54(2) of M.R.T.P. Act against Respondent No 6 in view of complaint dated 30.12.2016 of the petitioner;

l) Ad- interim/ interim relief in terms of prayer clause (g),(h),(i),(j)and (k) above , may kindly be granted;

	<p><i>m) Pass such other and further relief as in the nature and circumstances of the case may require may kindly be granted.</i></p>
10.04.2017	<p>The said Writ Petition bearing No 2736 of 2017 was disposed off by Honble Bombay High Court on 10/4/2017 with the following orders.</p> <p style="text-align: center;">Coram: Naresh H. Patil & Dr. Shalini Phansalkar-Joshi. J.J</p> <p style="text-align: center;">Date: 10th April 2017</p> <p style="text-align: center;">P.C</p> <ol style="list-style-type: none"> 1. Heard learned counsels for both the parties. 2. The Petitioner had filed a Suit regarding the subject property. It is submitted that, the status-uo order has been passed by the Hon'ble Supreme Court on 18th October 1997. A reference is made to the notice dated 13th December 2016 issued by the Building Construction Department of Respondent No.1 Municipal Corporation. The grievance of the Petitioner is that, he was called by the Building Construction Department of the Respondent-Municipal Corporation to remain present in the office of the Respondent-Municipal Corporation on 3rd January 2017. 3. The Petitioner is entitled to intimate the Respondent - Municipal Corporation in respect of the Civil proceedings in case such proceedings are pending. In the facts, we find that Petitioner has alternate remedy. The Petitioner may resort to such remedy as permissible in law. 4. Without expressing any opinion, the Petition is disposed of. 5. All issues on merits are kept open.
21.04.2017	<p>M/s. Ahura Builders, Pune have completed the construction of commercial building on the subject land and have applied to PMC for Completion Certificate for the said commercial Building.</p>
02.05.2017	<p>New Heaven's Park No. II Co-Operative Hosing Society Ltd file Civil Application bearing No 1092 of 2017 in Writ Petition No 2736 of 2017 to incorporate the necessary corrections in the order dated 10/4/2017 passed in the said Writ Petition</p>
03.05.2017	<p>The said Civil Application No 1092 of 2017 in Writ Petition No 2736 of 2017 was disposed off by Honble Bombay High Court on 03/5/2017 with the following orders.</p>

CORAM: NARESH H. PATIL &
DR.SHALINI PHANSALKAR- JOSHI JJ.
DATE : 3rd MAY, 2017.
PC:

- 1) *This Civil Application is taken up for speaking to the minutes of order dated 10th April, 2017.*
- 2) *Learned counsel for applicant submits that in the second line the words, "the status quo" order" be substituted by, "ad-interim order" and the third sentence of paragraph No. 2 the words "Supreme Court" are required to be substituted by the words "Civil Judge Junior Division, Pune" Counsel also submits that the date mentioned as, "18th October 1997" in paragraph No. 2 be substituted as, "23rd October, 1997".*
- 3) *In view of above submissions, first two lines in paragraph No. 2 are substituted by, "The petitioner had filed suit regarding subject property. It is submitted that the ad-interim order dated 23rd October, 1997 was passed by the Civil Judge Jr. Dn. Pune, in R.C.S. No. 1387 of 1997".*
- 4) *Rest of the portion of Paragraph No. 2 will remain as it is.*
- 5) *Application is disposed of the making above corrections. Registry to take corrective steps.*

(DR.SHALINI PHANSALKAR-OSHI,J.) (NARESH H. PATIL, J.)

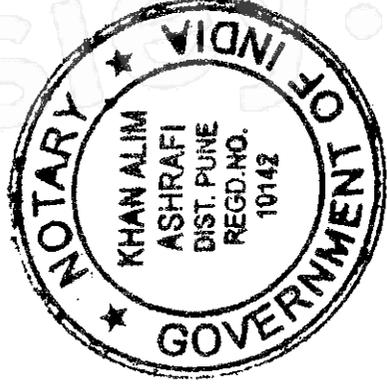
Considering the above stated facts I am of the opinion that the property bearing Survey No. 18 Hissa No. 6 admeasuring 1 Hector 49 Aar of village Kondhwa Khurd, Taluka Pune City, Dist. Pune together with all appurtenant thereto and right of easement including right of way are now held by New Heaven's Park No. II Co-operative Housing Society Ltd and they have a clear and marketable title & also the M/s. Ahura Builders has got the right to develop and sale the units on ownership basis. Further the said M/s Ahura builders are in possession of part of the subject land.

I am of the opinion that in view of order dated 30th December 2016 of the Additional commissioner Pune lifting Stop work Notice dated 13th December 2016, and in view of the Hon'ble Bombay High Court orders dated 10th April 2017 and dated 3rd May 2017 there is no impediment for M/s Ahura Builders to carry out Development activities on the land bearing Survey No18 Hissa No 6 of village Kondhwa Khurd Ta Pune City Dist Pune. and sale the flats/Apartment being constructed thereon.

Place : Pune

Date : 15th July 2017.

KHAN ALIM ASHRAFI
Advocate and Notary



KHAN ALIM ASHRAFI
NOTARY GOVERNMENT OF INDIA
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