



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10688 OF 2026

Yashwant Pundlik Bhoir

...Petitioner

V/s.

M/S. Bhimkrupa Co-Operative Housing
Society Ltd. and Ors

...Respondents

Mr. Dnyaneshwar Deshmukh *for Petitioner.*

Mr. Sumedh Modak *with Mr. R. M. Gogle for Respondent No. 1.*

Mr. Yatin S. Khochare *'B' Panel for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 24 AUGUST 2026.

P.C.:

1) By this Petition, Petitioner has challenged the order dated 25 September 2025 passed by the District Deputy Registrar Co-operative Societies, Thane and Competent Authority (**Competent Authority**) issuing certificate of unilateral deemed conveyance of land admeasuring 1512.60 sq. yards i.e. 1264.73 sq. mtrs out of total land admeasuring 4140 sq. mtrs in favour of the Respondent No. 1-society.

2) I have heard Mr. Deshmukh, the learned counsel appearing for the Petitioner, Mr. Modak, the learned counsel appearing for Respondent No. 1 and Mr. Khochare, the learned counsel appearing for the Respondent-State.

3) The Petitioner has attached plan, which he got sanctioned from the Grampanchayat in the year 1983 for constriction of the structure, which according to the Petitioner is a 'Chawl'. The said sanctioned plan would indicate that development was undertaken in respect of land admeasuring 1512.60 sq. yards . This would mean that land admeasuring 1512.60 sq. yards out of total land admeasuring 4140 sq. mtrs was subjected to housing scheme and the Petitioner constructed a structure and sold units constructed therein. The Competent Authority has rightly taken into consideration the said sanctioned plan as well as the occupation certificate for determining area entitlement of the first Respondent-society at 1512.60 sq. yards (1264.73 sq. mtrs).

4) The complaint sought to be raised on behalf of the Petitioner about non receipt of notice in the Application for deemed conveyance appears to be baseless in the light of specific postal tracking reports which indicate that Petitioner was served with notice of the Application.

5) It is also sought to be contended that the Plaintiff has already sold the entire land in favour of Shri. Ganesh Bharat Naik and Shri. Gaurav Sunil Patil. If that is the case, the obligation under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963(**MOFA Act**) to convey the land has passed from the Petitioner on to the purchasers. What is sold by the Petitioner is land which he was supposed to be conveyed in favour of the first Respondent-society. Therefore, what is

purchased by the purchases is only an obligation to convey the land to the society under Section 11 (1) of the MOFA Act. Such sale does not extinguish statutory right of Respondent No.1-society.

6) Considering the above position, there is no warrant for interference in the impugned order. Writ Petition is accordingly **dismissed.**

[SANDEEP V. MARNE, J.]