

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10732 OF 2026

Soham Residency Co-op. Housing
Society Ltd.

....*Petitioner*

: Versus :

The State of Maharashtra through
The Government Pleader & Ors.

...*Respondents*

Mr. V.S. Hadade *with Mr. Aniket Nangare and Mr. Shubham Walunj, for the
Petitioner.*

Ms. A.A. Purav, *AGP for State.*

CORAM : SANDEEP V. MARNE, J.

DATED : 24 AUGUST 2026.

P.C. :

1) By this petition, the Petitioner-Society has challenged order dated 29 September 2025 passed by the Competent Authority granting Certificate of unilateral deemed conveyance of land admeasuring 1162.60 sq.mts in favour of the Petitioner-Society. The grievance of the Petitioner-

Society is that the undivided share in common RG area of 162.47 sq.mts is not granted to the Petitioner-Society.

2) I have heard Mr. Hadade, the learned counsel appearing for the Petitioner and considered the submissions canvassed by him. It appears that before the Competent Authority, none of the Respondents have appeared despite being duly served. Considering the nature of order that is proposed to be passed in the present petition, I am of the view that it is not necessary to issue notice to the Respondents.

3) Perusal of the order passed by the Competent Authority would indicate that he has failed to take into consideration the Certificate of Architect relied upon by the Petitioner-Society. The Architect's Certificate would indicate that the total BUA in respect of Buildings-Q, Y, S and W is 24,052.37 sq.mts, out of which, BUA sanctioned for Petitioner's Building-W is 1180.83 sq.mts. The total plot area is 22,062.85 sq.mts and after deducting 15% RG area, the net plot area is 18,753.42 sq.mts. The Architect has determined the proportionate share of the Petitioner in the land as 4.91%. Accordingly, the Architect has determined that in respect of gross land area of 22,062.85 sq.mts, share of the Petitioner-Society is 1083.16 sq.mts which is divided by him into balance plot area on pro-rata basis of 920.68 sq.mts and undivided rights in common RG area of 162.47 sq.mts. Perusal of the order of the Competent Authority would indicate that it has granted excess area in favour of the Petitioner than the one indicated by its own Architect as against total area entitled of 1083.16 sq.mts (*plot area of 920.68 sq.mts + RG area of 162.47 sq.mts*).

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

[SANDEEP V. MARNE, J.]

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