

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4074 OF 2015

Rushabh Rameshbhai Shah : Petitioner.
Versus
The District Deputy Registrar
Co-operative Society and ors. : Respondents.

Mr. Akshay Patil i/by Satendra Kumar for the Petitioner.
Mrs. V S Nimbalkar, AGP for the Respondent No.1.
Mr. Vishal Kanade a/w Mrs. Deepali Shetty i/by Rustamji & Ginwala for
the Respondent No.2.

CORAM : R. M. SAVANT, J.
DATE : 24th June 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 20/1/2015 passed by the Competent Authority and District Deputy Registrar, Co-operative Society, Mumbai (1) by which order the application for deemed conveyance filed by the Respondent No.2 Society came to be allowed and resultantly the deemed conveyance in respect of the plot of land mentioned in the operative part of the impugned order came to be granted.

2 It is not necessary to go into unnecessary details in view of the statement that is being made on behalf of the Respondent No.2 Society. The learned counsel appearing on behalf of the Respondent No.2 Society on instructions states that the impugned order be set aside and the matter be relegated back to the Competent Authority for a de-novo consideration of the

application. In view of the said statement made by the learned counsel for the Respondent No.2 Society, the need for giving detailed reasons for setting aside the impugned order is obviated. The impugned order is accordingly quashed and set aside and the matter is relegated back to the Competent Authority for a de-novo consideration of the application. Since it is the contention of the learned counsel for the Petitioner that various points which have been raised by them whilst opposing the application have not been dealt with by the Competent Authority and they were also not orally heard by the Competent Authority, the Competent Authority would be well advised to decide the proceedings by giving proper opportunity to the parties and by dealing with the contentions urged by the parties. On remand the parties to appear before the Competent Authority on 6th July 2015. The Competent Authority thereafter to conclude the proceedings by 7th September 2015. All the contentions of the parties are explicitly kept open. The Competent Authority would decide the application on its own merits and in accordance with law uninfluenced by the fact that the impugned order has been set aside. With the aforesaid directions the above Writ Petition is disposed of.

3 All concerned parties to act upon an ordinary copy of instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]