

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10861 OF 2013

Shri Suryakant Shardaprasad Sharma,	]	
Proprietor of M/s. Neha Builders.	]	... Petitioner

Versus

Competent Authority and Deputy District	]	
Registrar, Co-Operative Society, Mumbai (3),	]	
and Ors.	]	... Respondents

Mr. P. S. Dani, Senior Advocate, i/b Ashoka Law Firm for Petitioner.
 Mr. A. R. Metkari, A.G.P., for Respondent No.1.
 Mr. Drupad S. Patil for Respondent No.2.

CORAM :- M. S. SONAK, J.

DATE :- DECEMBER 09, 2015

P. C. :-

1. The challenge in this petition is to the order dated 14/03/2013 made by the Competent Authority under the provisions of Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

2. Mr. Dani, learned Senior Advocate, appearing for the petitioner has, at the outset, submitted that the property in respect of

which the impugned order has been made, belongs to the Shree Rajasthan Co-Operative Housing Society Limited - respondent no.3. The respondent no.3 had, in turn, leased out the said property in favour of respondent nos.4, 5 and 6. Respondent nos.4, 5 and 6, in turn, by deed of assignment dated 04/11/1979, assigned their legal rights in respect of such property in favour of the petitioner. Mr. Dani pointed out that there is no clarity as to whether or not such assignment was ultimately accepted by the respondent no.3 or not. In these circumstances, Mr. Dani submits that no direction could have been made to the petitioner to execute conveyance in respect of the said property.

3. Mr. Patil, learned Counsel for respondent no.2, in whose favour conveyance has been directed to be made, submits that the impugned order made by the Competent Authority has itself clarified that the petitioner is required to convey right sunder the assignment deed in favour of the respondent no.2.

4. The direction for conveyance, in the facts and circumstances of the present case, would obviously mean an imply conveyance of whatsoever rights, title or interest which the petitioner may have in respect of the suit property. The impugned order also indicates that the petitioner has been directed to convey such rights which may have been obtained by the petitioner in terms of the deed of assignment in his favour. Accordingly, there is no reason to interfere with the impugned order.

5. Petition is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)