

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

WRIT PETITION NO. 2488 OF 2014

Madhukar Ravindra Dhake

Petitioner

Vs

M/s Shivputra CHS Ltd & Ors.

.. Respondents

Mr. O.B.Molankar, Advocate for Petitioner.

Mr. M.G.Patil i/b N.N.Bhadrashete, Advocate for respondents no.1 and 2.

Mr. S.D.Rayrikar, A.G.P for Respondent no.3.

CORAM : R.G.KETKAR,J.

DATE : 10/09/2015

PC:

1. Heard Mr.O.B.Molankar, learned counsel for the petitioner, Mr. M.G.Patil, learned counsel for respondents no. 1 and 2 and Mr. S.D.Rayrikar, learned A.G.P for respondent no.3 at length.

2. By this Petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 27.9.2013 passed by Competent Authority and District Deputy Registrar, Co-operative Societies, Mumbai. By that order, the Competent Authority has allowed the application filed by respondent no.1 for getting a Unilateral Deemed Conveyance Certificate under section 11(3) of the Maharashtra Ownership Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Act,1963.

3. Mr. Patil submits that during pendency of the Petition, no interim order was operating in favour of the petitioner. As per

the impugned order, the Unilateral Deed of Conveyance is registered in favour of respondent no.1 on 24.4.2015. Mr Patil assures that within one week from today he will serve true copy of the Deed of Conveyance registered on 24.4.2015 on Mr. Molankar. Statement made by Mr Patil is recorded.

4. As the impugned order is already implemented and the Deed of Conveyance is registered in favour of the first respondent on 24.4.2015, no relief can be granted to the petitioner in this petition. Petition fails and the same is dismissed.

However, the petitioner is at liberty to challenge the Deed of Conveyance, if so advised. It is made clear that I have not examined merits of the proposed proceedings. All contentions in that regard are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)