

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

WRIT PETITION NO. 3129 OF 2016

1. Shimmering Heights CHS Ltd. & Ors. ... Petitioners

Vs

1. State of Maharashtra & Ors. ... Respondents

Mr. Ramesh Ramamurthy for the Petitioner.

Mrs. M.S. Bane, 'B' Pane; Counsel for the Respondent Nos.1 & 2.

**CORAM : S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.**

WEDNESDAY, 6TH APRIL, 2016

P.C. :

1. The order passed by the authority granting deemed conveyance does not decide any issue of right, title and interest in the immovable property. If the petitioners apprehend that what is claimed is more than the entitlement of the concerned applicant and in whose favour deemed conveyance is granted, then, the petitioners can approach a competent civil court and establish their right, title and interest in the immovable property. While establishing and proving it, the petitioners can implead that entity in whose favour the deemed conveyance is granted

and equally the question of legality and validity of the conveyance deemed to have been granted and if it affects the petitioners right, title and interest in any immovable property. When all such courses are open, then we do not see how a Writ Petition can be entertained.

2. With this clarification, the Writ Petition is disposed of.

G.S. KULKARNI, J.

S.C. DHARMADHIKARI, J.