

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

WRIT PETITION NO.7805 OF 2014

Darshana Dattatray Tandel ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

Mr.Sandeep V. Bane for the Petitioner.

Mr.J.A. Madane, AGP for Respondent Nos.1 and 2.

Mr.Chetan B. Raithatha for Respondent No.3.

CORAM : K.K. TATED, J.

DATE : 14th OCTOBER, 2016.

P.C.

1. Heard the learned counsel for the parties.

2. By this petition under Article 227 of the Constitution of India petitioner is challenging the order dated 27th May 2014 passed by the learned District Deputy Registrar-(2), Eastern Sub-Urban Mumbai and Authorized Officer in Application No.272 of 2014 granting Deemed Conveyance in favour of the Respondent No.3 Housing Society in respect of the land bearing CTS No.1032, Plot No.8, Friends Colony, B.V. Juvekar Marg, Bhandup (East), Mumbai 400 042, area 448.00 sq.meters.

3. The main contention raised by the petitioner in the present petition is that on the basis of the general Power of Attorney dated 06th May 1985 executed by the petitioner along with his family members in favour of respondent No.4-Developer, the Respondent No.4-Developer agreed that he will provide three separate flats of the total area of 1065 sq.ft. super built up on the ground floor to the petitioner along with garage and separate garden. It is contention of the petitioner that the respondent No.4 failed to develop the said property. Hence, the petitioner on his own constructed the building and allotted the flats to the purchasers. He submits that now the society has decided to redevelop the same without providing to the petitioner three flats.

4. It is to be noted that in the present proceedings the petitioner is not opposing for grant of deemed conveyance in favour of the Respondent No.3. Petitioner's contention is that the society must provide him three flats in the redeveloped building instead of two flats which are in his possession. It is to be noted that whatever is agreed between the petitioner and Respondent No.4 i.e. not binding on the society and on that ground the petitioner can not oppose for deemed conveyance. Considering these facts I do not find any substance in present petition.

5. Hence, petition stands rejected.
6. No order as to costs.

(K.K. TATED, J.)