

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

WRIT PETITION NO.11556 OF 2016

Celsia Bocarro .. Petitioner
Vs.
The District Deputy Registrar Co-operative
Societies Mumbai City (3) & Ors. .. Respondents

Mr.Jaideep Mitra with Mr.Siddharth Rupesh Mandhare i/by Ms.Vijaya Mishra for the petitioner.

Mr.S.D.Rayrikar, AGP for the respondent no.1-State.

Mr.Shashank P. Borade for the respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 20th December 2017

P.C.:

. Having heard the petitioner's advocate, it is clear that the order passed by the first respondent-The District Deputy Registrar under Section 11(3) and 11(4) of the Maharashtra Ownership Flats Act, 1963 would not conclude any issue, particularly regarding the right, title and interest of the petitioner in any immovable property. If the deemed conveyance is granted in respect of any property to which the applicant, namely the respondent no.2 was not entitled to, then the petitioner is not prevented in law from bringing appropriate proceedings, including a suit to establish and prove its independent right, title and interest to claim a declaration that any act of the first respondent and the order passed and impugned in the petition would not bind it. All contentions raised by the parties are kept open. Subject to the clarification aforesaid, writ petition is dismissed. No order as to costs.

R.D. DHANUKA, J.