

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8879 OF 2016

M/s.Kshitij Projects & Ors.

..... Petitioners

VERSUS

**Preston Woods Co-operative Housing
Society Ltd. & Ors.**

..... Respondents

Mr.R.S.Datar, i/b. Mr.Shivanand A.Mishra for the Petitioners.

Mr.Shivam Nagalia, i/b. Mr.L.K.Jhunjunwala for the Respondent no.1.

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

CORAM : R.D. DHANUKA, J.

DATE : 5th MARCH, 2018

P.C.

Learned counsel for the society states that in implementation of the impugned order passed by the authority, the conveyance deed is executed and registered. Statement is accepted.

2. There appears to the dispute about consumption of FSI between the parties. In the impugned order passed by the authority allowing deemed conveyance, title in respect of the property is not decided by the authority. The remedy of the petitioners would be to file a civil suit for apply for adjudication of the title in respect of the balance FSI if any. If any such suit is filed, the same can be decided independently.

3. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]