

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

WRIT PETITION NO.4199 OF 2014

Sunshine Park Co-operative Housing Society Ltd. .. Petitioner

Vs.

M/s.Goyal-Patel Associates

through Shri Jayant V. Kaneria & Ors. .. Respondents

Mr.Uday Warunjikar for the petitioner.

Mr.Shailendra Kanetkar for the respondent no.1.

Ms.Neha Bhide, AGP for the respondent nos.2-State.

CORAM : R.D. DHANUKA, J.

DATE : 4th June 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 24th October 2013 passed by the competent authority i.e. District Deputy Registrar, Pune granting deemed conveyance in favour of the petitioner excluding the land admeasuring 1421.95 sq. mtrs. It is not in dispute that the impugned order passed by the learned District Deputy Registrar on 24th October 2013 granting the order of deemed conveyance in favour of the petitioner has not been impugned by the respondents to the Application No.116 of 2013 filed by the petitioner under Section 11 of Maharashtra Ownership Flats Act, 1963.

2. In so far as the area in dispute is concerned, in my view, the remedy of the petitioner would be to file a civil suit in respect of the disputed area. I am thus not inclined to interfere with the impugned

order in this petition in respect of the additional area which according to the petitioner ought to have been included in the impugned order of deemed conveyance passed by the learned District Deputy Registrar, Pune.

3. Writ petition is disposed of in aforesaid terms. No order as to costs. It is made clear that the observations made by the learned District Deputy Registrar in the impugned order, in so far as the additional area of the petitioner is concerned, would not come in the way of the petitioner in the said civil suit. Civil suit to be decided independently on its own merits.

R.D. DHANUKA, J.