

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

**WRIT PETITION NO.6575 OF 2013
ALONG WITH
WRIT PETITION NO.6576 OF 2013
ALONG WITH
WRIT PETITION NO.6577 OF 2013
ALONG WITH
WRIT PETITION NO.6578 OF 2013
ALONG WITH
WRIT PETITION NO.6579 OF 2013
ALONG WITH
WRIT PETITION NO.6580 OF 2013**

M/s.Kshitji Associates .. Petitioner
Vs.
Punaya Nagari 'A' Wing Sahakari
Gruha Rachana Sanstha Maryadit & Ors. .. Respondents

Mr.Shrivallabh Panchpor for the petitioner.
Mr.S.N. Chandrachood for the respondent no.1.
Mr.V.V.Kanade i/by Mr.S.S. Gawade for the respondent no.4.
Mr. S.D. Rayrikar, AGP for the respondent no.17-State.

**CORAM : R.D. DHANUKA, J.
DATE : 21st February 2018**

P.C.:

. In these aforesaid petitions, the petitioner has impugned the order and Certificate of Deemed conveyance dated 8th February 2012 filed by the respondent no.1 Society.

2. Learned counsel appearing for the respondent no.1, on instructions, states that the impugned orders passed by the authority are already implemented. Deemed Conveyance is already executed. Name of the respondent no.1 society has already been entered into the mutation

record. The society has also taken various further steps pursuant to the impugned order passed by the authority and thus nothing survives in these writ petitions.

3. Learned counsel invited my attention to the order dated 22nd October 2012 passed by this Court in Writ Petition No.5615 of 2012 in the case of M/s.Butala-Dadhe Associates Vs. District Deputy Registrar, Co-operative Societies, Pune and other companion matters. He submits that the respondent no.1 has no objection if the issue of right, title and interest in the immovable property can be independently decided in the civil suit already filed by the petitioner in respect of the property in question in line with the directions issued by this Court in the said order. Statement is accepted.

4. It is not in dispute that the petitioner has already filed a civil suit for appropriate relief in respect of the property in question. Learned counsel for the respondent no.1 society, on the other hand, states that the reliefs claimed in the suit are also opposed by the respondent no.1 society on its own merits. Statement is accepted.

5. This Court in the said order dated 22nd October 2012 has held that beyond issuing a certificate under Section 11(3) of the Maharashtra Ownership Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Act, 1963 which certificate will be registered as a deemed conveyance, the order and the certificate issued does not conclude the issue of right, title and interest in the immovable property and particularly of the nature claimed by the petitioners therein. It is further clarified that the order of competent

authority does not conclude any of the contentions and issues in substantive proceedings which may be instituted by the petitioners to claim right, title and interest in the immovable property in question. All contentions in that behalf are kept open. Same directions apply to the facts of this case also. It is made clear that the impugned order passed by the competent authority is not conclusive of right, title and interest in the immovable property of the petitioner and the same can be independently decided by the Civil Court in the suit filed by the petitioner.

6. It is however made clear that all contentions on merits in so far as the reliefs claimed in the said suit which are raised by the learned counsel for the respondent no.1 society in these proceedings or that would be raised in the said suit are kept open.

7. The aforesaid writ petitions are disposed of in these terms. No order as to costs. Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.