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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7718 OF 2013

M/s. Shantistar Builders

...Petitioner

V/s.

AkashShantinagar Co-op. Hsg. Soc.
Ltd. & Ors

...Respondents

Dr. Birendra Saraf a/w. Mr. Aditya Shiralkar a/w. Ms. Prachi Mhatre
i/b. Shiralkar & Co. for the Petitioner.
Mr. B.G. Saraf for Respondent No.1.
Mr. V.V. Shinde for Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 05TH FEBRUARY, 2018.

P.C. :-

1. By this petition filed under Article 226 and 227 of the Constitution of India, the petitioner has impugned the order dated 26th April, 2013 and also the Deed of Conveyance dated 05th July, 2013 and further Deed of Conveyance executed pursuant to the impugned order.

2. In my view, this petition is covered by the order dated 08th May, 2014 passed by this Court in Writ Petition No. 2163 of 2013 in case of G.K. Development Corporation Vs. District Deputy Registrar & Ors. The remedy of the petitioner would be to file a civil suit. It is made clear that the decision taken by the authority relating to deed of

conveyance will not be considered as binding adjudication on the inter se right between the society and the petitioner. It is open to the petitioner to seek appropriate reliefs from the competent Court. All contentions are kept open.

3. It is not in dispute that writ petition is pending since 2013. If any, suit is filed by the petitioner impugning the orders passed by the authority and also the execution of conveyance pursuant to such order, if any issue of limitation is raised by the respondents in the said suit, the Trial Court shall consider the plea of the petitioner for exclusion of time under Section 14 of the Limitation Act, 1963. No order as to costs.

(R.D. DHANUKA, J.)