

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

**REVIEW PETITION (ST.) NO.25871 OF 2018
in
WRIT PETITION NO.11251 OF 2016**

Prakash Vinayak Kamat & Ors. .. Petitioners

Vs.

The Competent Authority under the
Maharashtra Ownership Flats & Ors. .. Respondents

Mr.A.G. Damle, Senior Advocate i/by Mr.Harish Pawar for the review petitioners.

Mr.N.A. Adenwala for the original petitioners.

Ms.Neeta Solanki i/by Kiran Jain & Co. for the respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 14th September 2018

P.C.:

. By this review petition, the petitioners seek recall of the order dated 23rd July 2018 passed in Writ Petition No.11251 of 2016 filed by M/s.P.R. Enterprises & Ors. Vs. The Competent Authority & Ors. seeking dismissal of the application filed by the original petitioners in which the original petitioners has impugned the order dated 12th August 2015 passed by the competent authority thereby allowing the application of the respondent no.2 society for deemed conveyance.

2. The petitioners herein who claimed to be the occupants in respect of some of the structures of the building constructed on the land which were subject matter of the said Writ Petition No.11251 of 2016 were not parties either before the competent authority or before this Court in the said Writ Petition No.11251 of 2016.

3. The petitioners are claiming certain rights through the developers who were the writ petitioners in the Writ Petition No.11251 of 2016. In my view, the rights, if any, of the occupants or tenants could not have been even otherwise adjudicated upon in the proceedings filed under Section 11 of the Maharashtra Ownership Flats Act. Be that as it may, this Court while rejecting the said writ petition by an order dated 23rd July 2018 filed by the developers made it clear that if any civil suit was filed for seeking adjudication of the title in respect of the property in question, the same shall be decided independently.

4. In so far as the present writ petitioners are concerned, it is made clear that if they filed any proceedings for enforcement of their alleged rights against the developers in respect of the property in question, the said proceedings shall be decided independently without being influenced by the observations made by this Court in the order dated 23rd July 2018.

5. Review petition is disposed of in aforesaid terms. It is made clear that this Court has not expressed any views on merit of the matter or entitlement of the petitioners in the suit property. All such contentions of all the parties are kept open.

R.D. DHANUKA, J.