

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

WRIT PETITION NO.10987 OF 2015

M/s.Vishal Associates

.. Petitioner

Vs.

Millenium Plaza Premises

Co-operative Society Ltd. & Ors.

.. Respondents

Mr.Dinesh C.Shah for the petitioner.

Mafeen Shaikh a/w Mr.Shrinivas Kshirsagar and Mr.Sajid Qureshi for
the respondent no.1.

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 23rd March 2015 passed by the competent authority under Section 11 of the Maharashtra Ownership Flats Act, 1963 (MOFA).

2. The petitioner has raised various issues in respect of the title of the property in question. The competent authority does not have jurisdiction to decide the issue of title of the property in question under Section 11 of the MOFA.

3. The remedy of the petitioner thus would be to file a civil suit for adjudication of title of the property. It is made clear that if any civil suit for adjudication of title of the property is filed, the same shall be decided by the Civil Court on its own merits.

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

R.D. DHANUKA, J.