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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4298 OF 2015**

Mr. Dinshaw Rusi Mehta and othersPetitioners

V/s.

The State of Maharashtra and othersRespondents

Mr. Ranjit Thorat a/w Mr. Vaibhav S. a/w Ms. Trupti Khadse a/w
Mr. Prasad Sawant a/w Ms. Monica Salian i/b M/s. Jayakant
Partners for the Petitioner

Mr. S. H . Kankal AGP for respondent Nos. 1 & 2

Mr. P. M. Shah a/w Payal Shethia for respondent no. 3

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 4, 2019.

P.C.

The issue of Deemed Conveyance pursuant to the provisions of Section 11 of Maharashtra Ownership of flats (Regulation of the promotion of construction, sale, management & transfer) Act, 1963 is raised in the petition.

2 The fact remains that there is already a Deed of Conveyance and as such, the challenge to the same can be gone into by the Civil Court.

3 This Court in the matter of **Angeline Randolph Pereira Vs. Suyog Industrial Estate Premises Co-operative Society Ltd. [2018 SCC OnLine Bom 687]** in para 24 has concluded thus:

“24. I therefore pass the following order:

- (i) The petitioners would be at liberty to file a substantive suit for adjudication of title in respect of the property in question. The same can be decided independently without being influenced by the fact that an order of deemed conveyance of the property in question is passed by the competent authority and the certificate of title of the property is issued by the competent authority under Section 11 (5) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale Management and Transfer) Act, 1963.*
- (ii) Writ petition is dismissed with the aforesaid clarification and directions.*
- (iii) There shall be no order as to costs”.*

4 In the aforesaid background, petition stands disposed of with liberty to the petitioner to take steps as are observed in para 24 (cited supra). Needless to say that it is also open for the petitioner to raise an issue of permission under section 36 of the Maharashtra Public Trust Act, 1950.

[NITIN W. SAMBRE, J.]