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Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4046 OF 2018**

Kapadia Development Co-op. Housing
Society Ltd.

..... Petitioner.

V/s

The Hon'ble Collector (M.S.D.)
and Anr.

..... Respondents.

Ms. Aarati P. Bhide i/b A. A. Siddiquie & Associates for the Petitioner.
Mr. Deepak Thakre, P.P. with Mr. S.R. Shinde for the State.

**CORAM: B. P. DHARMADHIKARI &
NITIN W. SAMBRE, JJ.**

DATE: 25th November, 2019

P.C.:-

1] Heard for some time.

2] Deemed conveyance order passed by Registrar is questioned already before this Court. On the basis of that order, Respondent approached Office of Collector and obtained an order of sub-division of properties. Petitioner claims that deemed conveyance was obtained on the basis of false affidavit and again that affidavit has been used in proceedings before the Collector. Collector has passed an order on 13/4/2015 and thereafter on 10/7/2015 present Application under

Section 340 of Cr.P.C. has been filed. Prayer in the present Petition is to direct Office of Collector to take final decision on it expeditiously.

3] Learned APP submits that if order in deemed conveyance matter is upheld by this Court, the grievance made may not survive.

4] We are not inclined to observe any thing at this stage. The impact of challenge to order of deemed conveyance on merits or otherwise on the present proceedings can be looked into after such final order in those proceedings is passed. However, one thing is apparent that till such challenge on merits is finally decided, there is no point in asking the Collector to take decision on the grievance under Section 340 of Cr.P.C.

5] We therefore keep all contentions of the Petitioner open and with liberty to the Petitioner to approach again the appropriate forum, dispose of the present Petition.

(NITIN W. SAMBRE, J.)

(B. P. DHARMADHIKARI, J.)