

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

**WRIT PETITION NO. 2019 OF 2016
WITH
CIVIL APPLICATION NO.1998 OF 2019
IN
WRIT PETITION NO. 2019 OF 2016**

Kantilal Tulsidar Patel (Decd.) through LRs.	..Petitioners
vs.	
Juhu Mahavir Co-operative Hsg. Soc. Ltd. & Ors.	..Respondents

**WITH
WRIT PETITION NO. 8825 OF 2016**

Kantilal Tulsidar Patel (Decd.) through LRs.	..Petitioners
vs.	
Juhu Shiv Shankar Co-operative Hsg. Soc. Ltd. & Ors.	..Respondents

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Mr. Atul Damle, Sr. Advocate a/w. Dhaval Patil & Karan Dhawan i/b.
K. Asher & Co., Advocate for Petitioners.
Mr. Vijay V. Nene, Advocate for Respondent Nos.1 and 19.
Ms. M. S. Bane, AGP for Respondent No.2 / State.

**CORAM : C.V. BHADANG, J.
DATE : 13th JANUARY, 2020**

P.C.

. Heard learned counsel for the parties for some time.

2. Both these petitions involve common and connected questions and can be conveniently disposed of by this common order on a short count.

3. Mr. Damle, learned Senior counsel for the petitioners, on instructions, states that the petitioners are giving up, their challenge to the order granting, deemed conveyance. The only contention raised by Mr. Damle, learned Senior counsel for the petitioners is that the impugned order shall not be read to mean that the first respondent Societies have been granted any right in the land from where the 12 feet wide road is passing as referred to in the impugned order.

4. A bare perusal of the impugned order (at page No.125 of the compilation) shows that the first respondent Societies were only claiming an access and they were not claiming any right over the land underneath the said road / access. Thus, subject to the clarification that by the impugned order no right as such has been granted or conferred on the first respondent / societies on the land underneath the 12 feet wide road, both these petitions are disposed of with no order as to costs.

C.V. BHADANG, J.