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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1939 OF 2019**

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Anuradha R. Arora

...Petitioner

V/s.

Dist. Dy. Registrar Cooperative
Societies Mumbai City and ors

...Respondents

Mr. Shreepad Murthy a/w. Ms Roma Bhende, Mr. Abhishek Patil i/b. Ms Swati P. Gautam for the Petitioner.

Ms Madhubala Kajale, B-Panel Counsel for the Respondent – State.

Mr. Aniruddha Joshi a/w. Mr. Jainish Jain for Respondent No.2.

CORAM : G. S. KULKARNI, J.
DATE : NOVEMBER 29, 2021.

PC :

1] Heard Mr. Shreepad Murthy, learned counsel for the petitioner and Mr. Aniruddha Joshi, learned counsel for respondent No.2 is the contesting respondent. Mr. Murthy submits that the respondent No.3 is served, who supports the petitioner. Mr. Murthy further submits that though respondent No.4 served he has not appeared throughout.

2] The challenge in this petition is to an order dated 17.9.2018 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City/Competent Authority under Section 5A of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 granting deemed conveyance in faovur of the respondent No.2 in regard to the land in-question.

3] After the hearing of this petition progressed for some time, Mr. Murthy, learned counsel for the petitioner would fairly agree that in the facts of the case the appropriate remedy for the petitioner would be to institute a civil suit, inasmuch as question which falls for consideration namely as to whether the land is leasehold and if it is so, a declaratory relief in that regard can be sought alongwith any other reliefs in the suit.

4] In the above circumstances, the petition is disposed of with permission to the petitioner to file a civil Suit. The Suit be instituted within a period of six weeks from today. All contentions of all the parties in that regard are expressly kept open.

5] Writ Petition is disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)