

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

WRIT PETITION NO.6831 OF 2022

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Anil Somnath Dhake and Anr.

..Petitioners

Versus

The Competent Authority

District Sub-Registrar Co-operative

Societies, Thane and Ors.

..Respondents

Mr. Ranjit Shinde, for the Petitioners.

Mr. C. D. Mali, AGP for the Respondent No.1.

Mr. Sandesh Deshpande a/w Kisan D. Sukre, for the
Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 14th JUNE, 2022

P.C.

1. The order impugned is dated 2nd August, 2021 passed by the competent authority i.e. District Deputy Registrar, Co-operative Societies, Thane, whereby the prayer for grant of deemed conveyance moved by the respondent/co-operative society i.e. respondent No.2 came to be allowed.

2. The said order is challenged by the petitioner on the ground that what was conveyed to the developer for the purpose of development was 750 sq.yards of land and not 800 sq.yards. So as to substantiate his claim, he has drawn support from the unregistered development agreement dated 22nd January, 1988, particularly schedule

mentioned therein and the agreement dated 27th February, 1988.

3. The fact remains that even if vide subsequent agreement dated 27th February, 1988, first development agreement dated 22nd January, 1988 was amended was not part of the record before the competent authority when the order of deemed conveyance came to be passed.

4. In the aforesaid background, all these documents being unregistered and the appropriate stamp duty is not paid therein are hit by Section 34 of the Maharashtra Stamp Act.

5. In that view of the matter, in my opinion, no case for interference in the extraordinary jurisdiction of this Court is made out.

6. The petition as such fails, dismissed.

7. However, this will not preclude the petitioner from questioning the order of deemed conveyance and the certificate issued thereunder before the Civil Court.

8. If such prayer is made, same be decided in accordance with law.

[NITIN W. SAMBRE, J.]