

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

**WRIT PETITION NO.3192 OF 2022**

Ben Hur Co Op Housing Society Ltd. ...Petitioner  
Vs.  
The Hon'ble District Collector and District  
and Ors. ...Respondents

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Mr. Prakash Ganwani i/b Ms. Usha Tiwari for the Petitioner.  
Ms. N. K. Rajpurohit, AGP for the Respondent-State.  
Mr. Harsh Moorjani a/w Murtaza Federal, Mr. Mihir Mekal, Ms. Kajol  
A. Punjabi i/b Federal & Company for Respondent No.3.  
Ms. Manshi Jain for Respondent No.4.  
Mr. Shekhar Jagtap a/w. Sairuchita Chowdhary i/b J. Shekhar & Co. for  
Respondent Nos.5 and 6.  
Mr. Udayan Jain for Respondent No.7.

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**CORAM : NITIN JAMDAR &  
SHARMILA U. DESHMUKH, JJ.**

**DATED : 10 NOVEMBER 2022.**

**P. C. :**

Heard learned counsel for the parties.

2. This petition is filed by the Co-operative Housing Society whereby the District Deputy Registrar and the District Collector, Mumbai and certain private parties are made Respondents. Though the

relief sought for in this petition are wide ranging, the learned counsel for the Petitioner clarifies that the Petitioner is only praying for time bound disposal of the Application made by the Petitioner to the District Collector, Mumbai.

3. There is dispute as regard the entitlement of the Petitioner Society stated to be in possession of Respondent No.3-Charitable Trust, Respondent Nos.4 and 5-developer and other occupants of the plot. The Petitioner had applied to the Collector initially on 7 June 2017 seeking permission of the District Collector for obtaining deemed conveyance of the property in question. This communication is not on record. The learned counsel for the Petitioner has placed the same on record during the hearing. Thereafter by subsequent communication dated 12 June 2017, the Petitioner-Society has corrected the phraseology used in Application dated 7 June 2017. The Petitioner-Society in the Application dated 12 June 2017 has clarified that it is not seeking deemed conveyance but is praying for assignment since the property is a government property. Private respondents have contested the claim of the Petitioner for granting of said assignment deed. The learned counsel for Respondent No.5 submits that even the applications dated 7 June 2017 and 12 June 2017 will not survive as the matter has proceeded further from that stage.

4. Since a limited prayer as above is made before us, all that

we observe in this petition is that if said Applications, as above are pending and not already disposed of then the District Collector would take such decision as may be permissible in law after giving opportunities to all concerned. If the proceedings have already progressed beyond a particular stage after the Applications have been made because of which the Applications do not survive, the District Collector is at liberty to inform the said fact to the Petitioner.

5. Keeping all contentions of the parties open, we dispose of the writ petition. All other *inter se* disputes between the private parties will have to be adjudicated in the competent Court and not in writ jurisdiction.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)