

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

WRIT PETITION NO.14 OF 2015

Pramod Yashwant Panse Since deceased
through his legal heirs Smt. Asha Pramod
Panse & Ors.

..Petitioners

Versus

Shivshakti Sadan Co-op. Housing Society
Ltd. & Ors.

..Respondents

Mr. N. V. Vechalekar i/b. N. V. Vechalekar & Co for the Petitioners.
Mr. Sachin S. Punde, for the Respondent No.1-Society.

CORAM : NITIN W. SAMBRE, J.

DATED : 14th JULY, 2022

P.C.:

1. Heard.
2. The order impugned is dated 07/01/2014 passed by respondent-District Deputy Registrar, Cooperative Society, Pune City, Pune whereby in exercise of power under sub-section 3 of section 11 of the MOFA Act, the deemed conveyance is ordered in favour of the respondent-society so also certificate to that effect is issued.
3. The Petitioners who are claiming to be developer would urge that the impugned order is passed by the authority in exercise of quasi judicial power. It is claimed that, at the most, respondent-

society is entitled for a deemed conveyance of land to the extend of 570 sq.ft. He would further urge that the members of the respondent-society has failed to discharge the corresponding responsibilities viz. execution of deed of declaration/deed of apartment.

4. In that view of the matter that he would urge that the members of the respondent-society are not entitled for the reliefs claimed. He would further urge that the claim putforth by the petitioners while registering the claim of respondent-society before the authority to the aforesaid extent is not appreciated and that being so the order impugned warrants interference.

5. Mr. Punde, counsel for the respondent-society would support the order impugned.

6. According to him, the petition involves not only disputed question of fact but the Court is required to be sensitive to the fact that the deemed conveyance is already registered and mutation entry to that effect is carried out. In aforesaid background, his contentions are, the petition is liable to be rejected.

7. I have appreciated the aforesaid submissions.

8. Fact remains that so as to substantiate contentions that the respondent-society is entitled for deemed conveyance to the

extent of plot area of 570 sq.ft is not established by petitioner either from the records produced to that effect alongwith the petition nor any material to substantiate such claim, is brought to my notice.

9. The proceedings before the registrar in the matter of grant of deemed conveyance is based on the certificate issued by the architect and the sanctioned plan. As far as the sanction plan is concerned, petitioner has not produced the said documents before this Court.

10. This court is required to be sensitive to a most significant event in matter viz. registration of deemed conveyance and mutation of the suit property in favour of the respondent-society.

11. In the aforesaid background, having regard to the law laid down by this Court in the matter of *Mazda Construction Company vs. Sultanabad Darshan CHS Ltd.* reported in 2013 (2) ALL MR 278, no interference is warranted in exercise of Article 227 of the Constitution.

12. The Petition fails, dismissed.

ANANT
KRISHNA
NAIK
Digitally signed
by ANANT
KRISHNA NAIK
Date
2022.07.19
11:07:20 +0530

(NITIN W. SAMBRE, J.)