

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

WRIT PETITION NO. 15767 OF 2022

Vallabhdas Lalchand

... Petitioner

v/s.

The District Deputy Registrar
Co-operative Societies, Mumbai
and ors.

.... Respondents

Mr. Mayur Khandeparkar a/w. Mrs. Pooja K. Kane
and Mr. Amar Khanna i/b. Mr. Haaris Koradia for the Petitioner.
Mr. C.D. Mali, AGP for the State.
Mr. S. Murthy i/b. Mr. Abhishek Patil for Respondent No.3.
Mr. Sarosh Damania a/w. Mr. Nishank B. and Adv. Labdhi Shah
for Respondent Nos.14 and 15.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 21st DECEMBER, 2022.

P. C. :-

. The Petitioner herein has challenged the order dated 24/11/2022 passed by the Respondent No.1 – District Deputy Registrar, Co-operative Societies, Mumbai in Application No.174/2021.

2. The Respondent No.3-Society had applied for deemed conveyance. The Petitioner herein had filed Original Side Writ Petition (L) No.23819/2021 with an objection that the Respondent No.1 does not have jurisdiction to entertain the said proceedings on the ground

that the building in question is illegal. The said Petition was disposed of by the Division Bench of this Court on 24/06/2022 with directions to decide the objections raised by the Petitioner qua his jurisdiction after hearing all the parties concerned and depending upon the decision taken on the objection over the jurisdiction, the Respondent No.1 was to proceed further.

3. Pursuant to the said order, the Respondent No.1 has by impugned order held that he has jurisdiction to entertain the said proceedings. Being aggrieved by the findings on the issue of jurisdiction, the Petitioner has approached this Court by invoking writ jurisdiction of this Court.

4. In the course of the hearing, Mr. Mayur Khandeparkar, learned counsel for the Petitioner sought leave to withdraw the Petition.

5. The findings recorded by the Respondent No.1 in order dated 24/11/2022 are restricted to the issue of jurisdiction. Parties agree that the matter should be decided on merits on hearing both the parties. In the event of adverse order against the Petitioner, the impugned order can also be challenged along with the final order.

6. In view of the above, leave is granted. Petition stands disposed of as withdrawn.

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JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)