



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 263 OF 2023

Mr. Anant Kisan Keni

...Petitioner

Versus

The Chairman/Secretary Shree
Kisan CHS Ltd And Ors.

...Respondents

Mr. Gole Pradeep S. for the Petitioner.

Mr. Atul Damle, Senior Advocate i/b Adv. J.M. Joshi for Respondent
No. 1.

Mr. Sanjay D. Rayrikar, AGP for the State.

CORAM: N. R. BORKAR, J

DATED: 24 JULY, 2023

PC:-

1. By the order impugned the respondent No.10 – Competent Authority has allowed the application filed by the respondent No.1 – Society under Section 11 of Maharashtra Ownership of Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 and granted certificate of deemed conveyance in respect of plot of land bearing survey No. 421, Hissa No. A/1/6 admeasuring 630 Sq. Mtr. at Village Kalwa, District Thane.

2. I have heard the learned counsel for the petitioner, the learned senior counsel for the respondent No.1 and the learned AGP for the State.

3. The petitioner is original land owner, who entered into development agreement with the respondent No.2.
4. The contention of the petitioner is that the entire building is unauthorised. It is submitted that the competent authority, therefore, ought not have granted deemed conveyance in favour of the respondent No.1 – Society.
5. It appears that after construction of the building in question, pursuant to development agreement, one flat was allotted to the petitioner. He sold the said flat and is now claiming that entire building is unauthorised.
6. Considering the overall facts and circumstances and as the petitioner can very well assert his rights under the development agreement by filing civil suit, I am not inclined to entertain the present petition.
7. The writ petition is dismissed.
8. Interim relief, granted earlier, stands vacated.

(N. R. BORKAR, J.)