

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12622 OF 2023

Secretary, Kedar Co-operative
Housing Society Ltd.

...Petitioner

V/s.

District Deputy Registrar and Ors.

...Respondents

Mr. Anand Pai a/w. Mr. Vinay Nair i/by. Mr. Arun Panickar, for the
Petitioner.

Mr. P.P. Pujari, AGP for Respondent No.1.

Mr. Kamallesh P. Mali, for Respondent No.2.

Mr. Tirthraj Prajapati, Secretary of Respondent No.2-Society i.e.
Mary Villa Co-operative Housing Society Ltd. present.

CORAM : SANDEEP V. MARNE, J.

Dated : 11 October 2023.

P.C. :

1. The challenge in the present petition is to the order dated 24 January 2022 passed by the Competent Authority granting unilateral deemed conveyance in favour of Respondent No.2-

Society. Also challenged is the Conveyance dated 23 February 2022 in favour of Respondent No.2-Society.

2. It appears that in separate proceedings pertaining to issuance of No-Objection Certificate by the Petitioner-Society for the proposed redevelopment undertaken by Respondent No.2-Society, both the Societies have compromised the disputes amongst themselves under which it is decided that the Respondent No.2-Society shall become a member of Petitioner-Society. In view of the compromise executed between the parties, the unilateral deemed conveyance of part of the property in favour of Respondent No.2-Society would be rendered ineffective. A copy of compromise deed dated 21 August 2023 effected before the Deputy Registrar, Co-operative Societies, Ambarnath is placed before me which is taken on record and marked 'X' for identification.

3. In view of the compromise executed between both the Societies, the learned counsels make a joint request that the impugned order of Deemed Conveyance dated 24 January 2022 as well as the Conveyance dated 23 February 2022 be set aside by consent of both the parties. They have taken instructions from the Secretaries of both the Societies who are present before the Court. Additionally, Mr. Mali would place on record the Resolution adopted by Respondent No.2-Society for effecting the compromise with the Petitioner-Society as well as for setting aside the impugned

orders by consent. The Resolution is taken on record and marked 'Y' for identification.

4. In view of the compromise executed between the two Societies, the Writ Petition is **disposed of** by setting aside the order of deemed conveyance dated 24 January 2022 as well as the conveyance dated 23 February 2022.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2023.10.13
10:44:21 +0530