

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

WRIT PETITION NO.5504 OF 2023

Mayuresh Srishti Building No.1 Co-operative
Housing Society Ltd. and anotherPetitioners
Versus
State of Maharashtra
and others Respondents

Mr. Amrut Joshi, Advocate i/b. Kaushal Dhonde, for the
Petitioners.

Mr. P.G. Sawant, AGP for the Respondent Nos.1 & 2-State.

Mr C.G. Gavnekar, Advocate a/w. Suhas S. Deokar, Chetan
Aalai, Parineet Soratkar i/b. Suhas S. Deokar, for the
Respondent No.3.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th APRIL, 2023

P.C. :

1. In this Petition, the Respondent No.2 District
Deputy Registrar has given a certificate under Section 11(3)
of the Maharashtra Ownership of Flats Act, 1963 (for short,
'the said Act') for unilateral deemed conveyance.

2. The Petitioner has challenged such certificate.
However, there is one more step under Section 11(5) of the
said Act where the Sub-Registrar is expected to hear the

Petitioner before registration. It is also evident from the notice/summons under Section 11(5) of the said Act dated 10.3.2023 issued by the Joint Sub-Registrar, Kurla-4, Mumbai specifically addressed to the Petitioners. Thus, the Petitioners can still go before the said authority under Section 11(5) of the said Act and put-forth their case.

3. In view thereof, learned counsel for the Petitioners prays for withdrawal of this Petition with liberty to approach the Joint Sub-Registrar, Kurla-4, Mumbai Suburban District under Section 11(5) of the said Act.

4. Considering these submissions, the Petition is allowed to be withdrawn with liberty to the Petitioners to approach said authority. For convenience, the Petitioners shall appear before said authority on 3rd May, 2023.

5. With these observations and liberty, the Petition is disposed of as withdrawn. All contentions of both the parties are specifically left open.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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PRADIPKUMAR
PRAKASHRAO DESHMANE
Date: 2023.04.25 15:26:58
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(SARANG V. KOTWAL, J.)