

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9597 OF 2023

Janta Housing Pvt. Ltd. ... Petitioner

Versus

State of Maharashtra and others ... Respondents

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Mr. Rushabh Sheth alongwith Ms. Pratibha Rupnawar and Ms. Suveena Shetty instructed by Samatva Legal Associates for the Petitioner.

Ms. V.S. Nimbalkar, AGP for the State.

Mr. Sandeep Mishra for Respondent No.3.

Mr. Dhawal Shethia instructed by Mr. Nikhil Mishra for Respondent No.5.

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CORAM : N.R. BORKAR, J.

DATED : 4 AUGUST 2023

P.C. :-

1. By the order impugned dated 9 June 2023 respondent No.2 - the District Deputy Registrar, Co-operative Societies, Thane had allowed the application filed by the respondent No.3 under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and granted deemed conveyance certificate.

2. The grievance in the present petition is that the petitioner being developer was necessary party to the application filed by the respondent No.3. It is stated that the Petitioner was, however, not made party.

3. The learned Counsel for the petitioner has brought to my notice order dated 26 April 2013 by which similar application filed by the respondent No.3 was rejected to which the present petitioner was made party. In that view of the matter, the order impugned is set aside and the matter is remitted back to respondent No.2. The petitioner shall be made party to the application filed by the respondent No.3. The respondent No.2 shall endeavour to decide application filed by the respondent No.3 as early as possible and in any case within a period of six months from the date of receipt of copy of this order.

4. Writ Petition is disposed of, in above terms.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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