

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1829 OF 2017

Bhupendra N. Singh and Ors.

...Petitioners

Vs.

District Deputy Registrar Co-op.

Society & Ors.

...Respondents

WITH

WRIT PETITION (L) NO. 4716 OF 2023

Mr. Niranjan M. Vaghela i/by Pandya & Co. for the Petitioners in wp/1829 and for Respondent Nos. 4, 5 and 6 in wpl/4716/2023.

Mrs. Uma Palsule Desai, AGP for Respondent No.1- State in wp/1829 and in wpl/4716/2023.

Mr. Bhavin Gada a/w. Ms. Akanksha Mishra and Mr. Kamlesh Varma i/by Solicis Lex for Respondent No.2 in wp/1829 and for the Petitioner in wpl/4716/2023.

CORAM : ARIF S. DOCTOR, J.

DATE : 27th April, 2023

P.C. :

1. These Petitions impugn the same order passed by the District Deputy Registrar, Co-operative Society, by which a deemed conveyance in respect of the subject property being Final Plot Nos. 96 and 98, C. T. S. Nos. H/167/C and H/167/D, admeasuring 1534.28 Sq. mts. Situated at Ward No. H West, Village H Ward, Taluka- Andheri, standing in the name of the Co-operative Housing Society viz. Santacruz Pushpabhoomi Tenants Co-operative Housing Society Ltd., 2.

2. The Petitioners in both the Petitions submit that the authority has failed to consider several aspects which are detailed in the Writ Petitions. The impugned order is therefore set aside by consent, and matter is relegated back to the District Deputy Registrar, Co-operative Society for a de-novo consideration.

3. Petitioner in Writ Petition (L) No. 4716 of 2023 shall file an Application before the District Deputy Registrar, Co-operative Society.

4. All rights and contentions of both the parties are expressly kept open, including the contentions raised by the Petitioner in Writ Petition No.1829 of 2017 that the tenant society/flat purchasers in question had not paid consideration amount and therefore had not obtained any right in the property and thus not entitled to the deemed Conveyance.

5. With the above directions, the Writ Petitions are disposed of.

(ARIF S. DOCTOR, J.)