

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.807 OF 2023**

Vandana Vasnji Ved & Ors.

... Petitioners

V/s.

Hare Krishna CHS Ltd. & Ors.

... Respondents

Mr. Akshay Udeshi, Counsel a/w Mr. Samarth Jaidev i/by Sanjay Udeshi and Company for the Petitioners.

Ms. Mehek Bookwalla a/w S. T. Suryavanshi, Anisha Patel for Respondent No.1.

Mr. Milind More, Addl. GP a/w Ms. Uma Palsuledesai, AGP for Respondent Nos.3 to 5-State.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH APRIL 2023

P.C. :

1. The present Writ Petition impugns the order dated 21st April 2022 passed by Respondent No.3 being the Competent Authority Cum District Deputy Registrar, Cooperative Societies (3), Mumbai.

2. By the said order, the Competent Authority has directed as follows :-

“Also, it is pass an order directing the concerned Sub Registrar or any competent registration officer as per Registration Act, 1908 (16 of 1908) to register the document of deed fo assignment of ex-parte deemed conveyance in the name of the applicant as and by way of deemed conveyer in respect of lease hold rights, title and interest in

the property mentioned in the deemed conveyance certificate enclosed herewith after taking decision of the Stamps Collector in the said case."

3. It was the submission of learned Counsel for the Petitioners that Respondent No.3 has incorrectly mentioned the Petitioners as being the Promoters in respect of the said plot. He submits that the Petitioners were never Promoters, but were the only lessors of the said plot in favour of Respondent No.2, who was the Promoter. He thus submits that Respondent No.2 was never entered into any conveyance of the land and which was ever executed in favour of Respondent No.2. However, only a lease deed had been executed, which according to him had been terminated in the year 1983. However, he fairly submits that subsequent to said termination, no further steps were taken by the Petitioners in that regard.

4. Learned Counsel for the Petitioners submits that given that no conveyance was ever executed in favour of Respondent No.2, consequently no deemed conveyance could be granted in favour of Respondent No.1-Society, since in law, Respondent No.1-Society is entitled to the rights, title and interest of the promoter in the said plot of land.

5. Learned Counsel for the Respondent No.1 invites my attention to the impugned order and points out that the same is clear in as much as it records that what is to be conveyed is only leasehold rights, title and interest in the property and not a conveyance of the said land in favour of Respondent No.1-Society.

6. Learned Counsel for the Petitioners accepts this position.

7. In view thereof, nothing further survives in the present Writ Petition and thus disposed of accordingly.

8. It is clarified that Respondent No.1-Society shall be entitled to the right, title and interest in the said property was that of Respondent No.2 as a lessee in respect of the said plot.

(ARIF S. DOCTOR, J.)