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

WRIT PETITION NO.897 OF 2024

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Kamlakar Shivram Pawar

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Prashant P. Kulkarni for the petitioner.

Ms. V.S. Nimbalkar, AGP for respondent Nos.1, 2 &
6/State.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 24, 2024

P.C.:

1. The petitioner claims to be co-owner of the property in relation to which the Competent Authority under Section 11 of the Maharashtra Ownership of Flats Act, 1963 has passed order of deemed conveyance.

2. According to the petitioner, he has terminated development agreement with the developer and also filed first information report against the developer. According to him, occupation certificate of the building has not been granted by the Municipal Corporation. All these facts were pointed out to the Competent Authority. The Competent Authority without considering the said contentions directed issuance of deemed conveyance in favour of the society formed by the purchasers.

3. The law on the point of scope against an order directing deemed conveyance has been settled by the judgment of this Court in **Mazda Construction Company & Ors. v. Sultanabad Darshan CHS Ltd. & Ors.**, reported in 2012 SCC OnLine Bom 1266. In view of said pronouncement of co-ordinate Bench of this Court, it is clarified that grant of deemed conveyance in favour of the society formed by the purchasers shall not affect substantive civil rights of the petitioner and it shall be open for the petitioner to file civil suit for enforcement of all rights which the petitioner is claiming against the society.

4. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)