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

WRIT PETITION NO.2240 OF 2024

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Hiren Coop. Hsg. Soc. Ltd.

... Petitioner

V/s.

Prasana Park Coop. Housing
Society Ltd. & Ors.

... Respondents

Mr. G.N. Salunkhe with Mr. Anand Shinde for the
petitioner.

Mr. Moiez R. Shaikh for respondent No.1.

Mr. Nimesh Bhatt for respondent No.16.

Mrs. V.R. Raje, AGP for respondent No.18/State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2024

P.C.:

1. The petitioner/housing society is challenging order of deemed conveyance passed by the Authority under the provisions of the Maharashtra Ownership of Flats Act, 1963 to confer deemed conveyance on respondent No.1.

2. The petitioner has raised limited grievance that use of common road as admitted in the rejoinder filed before the Competent Authority that respondent No.1 had not objected for use of 20 feet road in Hissa No.9, Survey No.61 by the members of the petitioner/society.

3. It is, therefore, clarified that the order of deemed conveyance shall not affect arrangement between the parties of allowing the members of the petitioner society to use 20 feet road as stated in paragraph 4 of the rejoinder.

4. However, it is made clear that neither the Competent Authority nor this Court has adjudicated on petitioner's right to claim access as of right. For that purpose, it is open for aggrieved party to approach Civil Court for adjudication of their substantive right for use of property which is subject matter of deemed conveyance.

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

(AMIT BORKAR, J.)