



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2377 OF 2015**

Neelkanth Mansions and
Infrastructure Pvt. Ltd.

.....Petitioner

Vs.

The State of Maharashtra Govt.
Pleader, High Court, Bombay and Ors

.....Respondents

Mr. Aum Kini i/b Mr. Suresh Dubey for the Petitioner
Mr. Sandeep Manubarwala for Respondent No. 3
Ms. Diksha Shetty i/b AAK Legal for Respondent No. 4
Mr. P. V. Nelson Rajan, AGP for the State

CORAM : GAURI GODSE, J.

DATE : 14th FEBRUARY 2024.

P.C.

1. This Petition challenges an order granting unilateral deemed conveyance to the Respondent No. 3-Society. Learned counsel for the Petitioner submits that since the building of Respondent No. 3-Society is part of the larger lay out, the Respondent No. 3-Society could have asked for conveyance only after completion of the entire project as stated in the MOFA agreement. He therefore submits that in view of

the unilateral deemed conveyance, the Petitioner's rights under the development agreement are affected.

2. Perusal of the impugned order indicates that unilateral deemed conveyance is granted in favour of Respondent No. 3-Society in proportion to the constructed area of the building of Respondent No. 3. Perusal of the reasons recorded in the impugned order does not warrant any interference under Article 227 of the Constitution of India.

3. The law with respect to grant of unilateral deemed conveyance is no longer *Res Integra*. It is well settled principle of law that grant of unilateral deemed conveyance does not decide the title of the parties to the property. Hence, it is always open for the Petitioner to agitate the grievance by filing appropriate proceedings before appropriate Court.

4. Writ petition is therefore disposed of with liberty to the Petitioner to agitate their grievances before the appropriate forum as permissible in law.

[GAURI GODSE, J.]