

VRJ

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

WRIT PETITION NO.2293 OF 2024

Digitally
signed by
VAIBHAV
RAMESH
JADHAV
Date
2024.02.21
17:56:31
+0530

Trimbak Madhavrao Shirole (Deceased)

Through Legal Heirs

... Petitioners

V/s.

Shrinivas Garden 'B' Building

Cooperative Housing Society Ltd. & Ors.

... Respondents

Mr. Sanjay Koban for the petitioners.

Ms. V. R. Raje, AGP for the State.

Mr. Rohan Mahadik with Ms. Mekhala More i/by The
Juris Partners for respondent No.1.

Ms. Prachi Deokar i/by Mr. Kaustubh Kandpile for
respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2024

P.C.:

1. The petitioner claiming to be owner of the land who executed development agreement in favour of developer is challenging order of deemed conveyance under section 11(3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

2. The ground raised by the petitioner is that in view of deed of declaration issued under the provisions of the Maharashtra Apartment Ownership Act, 1970, the associations have been

assigned rights below the land in relation to two buildings which form part of deemed conveyance order. The petitioner claimed to be owner of tenements in the building in relation to which deed of declaration has been filed. According to him, therefore section 10(2) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, prohibits conferment of deemed conveyance.

3. For agitating such grievance, it is for the association in whose favour deed of declaration has been filed can be aggrieved person. The owner cannot be said to be a person aggrieved. Therefore, at his instance challenge on the ground stated above cannot be entertained.

4. Hence, the writ petition is dismissed. No costs.

(AMIT BORKAR, J.)