

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3789 OF 2017**

M/s. Sai Developers

... Petitioner

vs.

Shri. Sanjay Ashok Kirave and Anr

... Respondents

Mr. Tejesh Dande a/w. Vishal Navale i/b. Tejesh Dande and Associates, for Petitioner.

Mrs. M.P. Thakur, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 31st JANUARY, 2024

P.C. :-

1. This petition challenges the order of the Unilateral Deemed Conveyance passed on 16th February 2018, in favour of respondent no.1-Society.

2. Learned counsel for the petitioner states that the petitioner has raised a specific grievance before the Competent Authority that some of the flats in the society were unsold and petitioner is entitled to sell the said flats. Hence, till all the flats were not sold deemed conveyance could not have been granted.

3. So far as grievance raised on behalf of the petitioner is concerned, the same would not affect the grant of the Unilateral Deemed Conveyance in favour of the society once the parameters of the provisions of section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 are complied. Hence, I do not see any reason to interfere in the impugned order on the aforesaid ground. I do not find any illegality or infirmity in the impugned order. Petition is devoid of any merits. Hence, the petition is dismissed.

4. It is however, clarified that dismissal of this petition will not affect petitioner's rights if any, with respect to the property and it will be open to the petitioner to adopt appropriate remedy before the appropriate forum as permissible in law.

(GAURI GODSE, J.)