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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10242 OF 2017**

Smt. Shubhangi Shashidhar Vengurlekar and ... Petitioner
Anr

vs.

Chairman/Secretary, Kanewadi Building no.1 ... Respondents
and 2 Co-operative Hsg. Society Ltd and Ors

WITH

WRIT PETITION NO. 2866 OF 2018

M/s. Vishaldeep Developers through its ... Petitioner
Partners

vs.

Kanewadi Building No.1 a and 2 Cooperative ... Respondents
Housing Society Ltd and Ors

Mr. Mandar Limaye, for petitioner in WP/10242/17 and for
respondent nos. 5A to 6B in WP/2866/18.

None for petitioner in WP/2866/18.

Yogesh Dalvi for respondent no.1 in WP/2866/18.

Mr. P.V. Nelson Rajan, AGP for respondent-State.

CORAM : GAURI GODSE, J.

DATED : 12th JANUARY, 2024

P.C. :-

1. Heard.

2. This petition takes exception to the order of deemed conveyance in favour of respondent no. 1-society. This petition is filed by co-owners of the property which was developed by

respondent no.2.

3. Learned counsel for the petitioners submits that at the time of development, 1.33 FSI was utilized, however, subsequently, additional FSI is permissible on the concerned property. He submits that the petitioners would be entitled to additional FSI. However, because of the deemed conveyance, petitioners' rights are affected.

4. Legal position with respect to the status of the order of deemed conveyance issued in favour of the society is no more *res integra*. In view of the settled principle of law, the petitioners would always be entitled to seek appropriate relief by filing a Civil Suit for claiming their rights based on title to the subject property. On perusal of the impugned order, I do not find any infirmity or illegality in the order. The petition is devoid of merits and deserves to be dismissed.

5. Needless to record that I have not examined the petitioners' contentions on merits with respect to their claim for additional and/or balance FSI if any. Petitioners are always at liberty to adopt appropriate remedy as permissible in law.

6. For the aforesaid reasons, the petition is dismissed.

(GAURI GODSE, J.)