

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE SIDE JURISDICTION**  
**WRIT PETITION NO. 275 OF 2024**

Laxman Narayan Zagade and Ors. .... Petitioners

**Versus**

Competent Authority and District .... Respondents  
Deputy Registrar and Ors.

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Adv. Sugandh Deshmukh a/w Adv. Irvin D'souza, Adv. Aniket Kanawade and Adv. Vaibhav Thorve, Advocates for the Petitioners.  
Adv. S. D. Rayarikar, AGP, for Respondent No.1 – State.  
Adv. P. S. Dani, Senior Counsel a/w Adv. Prabhakar Jadhav, Advocate for Respondent No.2.  
Adv. Sachin Dhakephalkar, Advocate for Respondent No.4.

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**CORAM : R. M. JOSHI, J.**

**DATE : 9<sup>th</sup> SEPTEMBER, 2024.**

**P.C. :**

1. Heard.
2. Learned counsel for the Petitioners has made submissions with regard to the alleged illegalities done by the developer. There is no dispute about the facts that the Petitioners are the promoters. Further undisputedly development agreement has not been cancelled till the time of passing impugned order of granting deemed conveyance. Thus, *prima facie*, it is clear that till the said date, the

developer was admittedly agent of the Petitioners. The development agreement indicates that sum of Rs.44,80,000/- was part of consideration and in addition thereto three shops and three flats were to be given to the Petitioners.

Learned counsel for the Petitioners, on instructions, makes statement that the Petitioners have received Rs.44,80,000/-. He however, is unable to make statement with regard to the receipt of shops and flats. This statement is absolutely essential, as if the shops and flats and the cash component is already paid then Petitioners may not have any interest in the said property. This will lead to question *locus standi* of the Petitioners to raise objection to the order of deemed conveyance. In any case, petition cannot be entertained unless Petitioners deposit entire consideration before this Court.

Learned counsel for the Petitioners to take instruction with regard to the deposit the same as well as further instructions as to whether three shops and three flats being given or not to the Petitioners pursuant to the development agreement.

3. Statement to be made on next date of hearing.
4. Stand over to 19<sup>th</sup> September, 2024.

( R. M. JOSHI, J.)