



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 275 OF 2024

Laxman Narayan Zagade and Ors.

... Petitioners.

Versus

Competent Authority and District
Deputy Registrar and Ors.

... Respondents.

Mr. Sugandh Deshmukh, for the Petitioners.

Mr.Y.D. Patil, AGP for the Respondent No.1-State.

Mr. P.S. Dani, Senior Advocate a/w. Mr.Prabhakar M. Jadhav, for the
Respondent No.2.

Mr. Tejas D. Deshmukh a/w. Mr.Ronak U. For Respondent Nos.3A to 3E.

Mr. Sachin Dhakephalkar, for Respondent No.4.

Coram : Sharmila U. Deshmukh, J.

Date : October 22, 2024

P. C. :

1. By order of 9th September, 2024, this Court had passed a specific order directing the learned counsel for the Petitioners to take instructions with regard to deposit of the amount of Rs.44,80,000/- as well as further instructions as to whether 3 shops and 3 flats had been given to the Petitioners pursuant to the development agreement. The order is very clear which records that the statement is absolutely essential because if the shops and flats and cash component is already paid, then Petitioners may not have any interest in the said property and will raise a question of *locus standi* of the Petitioners to raise objection to the order of deemed conveyance.

2. Despite the clear and specific order passed on 9th September, 2024, the only instructions which has been received by the learned counsel for the petitioners is as regards the deposit of the consideration of Rs.44,80,000/-. There is no statement made whether the shops and flats have been given to the Petitioners pursuant to the development agreements.

3. The matter even after the Court hours was being argued extensively by the parties, however, without any fruitful outcome. *Prima facie*, from the arguments which have been advanced, it appears that after entering into three development agreements in respect of 76 R of land and construction being carried out, the Petitioners, who are the owners, are now using the challenge to the order of deemed conveyance, which has been granted in favour of the Respondent No.2, in order to negotiate with the Respondent No.4, who is the new developer proposing to redevelop the building.

4. The dispute essentially appears to be between the owners and the developer in which the issue of deemed conveyance in favour of the Respondent No.2 is unnecessarily sought to be dragged. Considering that there was some construction which was

illegal which was thereafter stated to have been punctured and therefore, resulting in the building being rendered dilapidated and seeking redevelopment, the statement which was made earlier by Mr. Dani, learned Senior Advocate appearing for Respondent No.2 is now sought to be withdrawn.

5. The Petition will have to be heard finally. List the Petition on final hearing board of **14th November, 2024**. Considering that the statement has now been withdrawn by Mr. Dani, the interim relief does not continue.

[Sharmila U. Deshmukh, J.]