

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5947 OF 2024

VASANT
ANANDRAO
IDHOL

Unmesh Jaywant Jadhav And Ors.

...Petitioners

Versus

District Deputy Registrar Cooperative
Societies

...Respondent

Digitally signed
by VASANT
ANANDRAO
IDHOL

Date: 2024.08.02
19:15:21 +0530

Mr.Vishal V. Kale with Mr.Ganesh M.Misal and Mr.Sunil Dude for the
Petitioners.

Mr.Manan Sharma for Respondent No.2.

Ms.P.M. J. Deshpande A.G.P for the Respondent – State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 2nd AUGUST, 2024

P.C.:

1. The only grievance, regarding the impugned order of deemed conveyance dated 19.03.2019 passed by the Competent Authority under Section 11 (1) of The Maharashtra Ownership Flats (Regulations of the Promotions of Construction, Sale, Management and Transfer) Act, 1963 (MOFA) by the petitioners, who are the legal heirs of the original land owner is that in terms of the order of exemption under Section 21 of Urban Land Ceiling Act (ULC Act), the landlord would be entitled to the benefit of surrender of reservation land, which were reserved for D.P. Road

and Garden. He therefore submits, that the transfer of these lands, to the society under the order of deemed conveyance is clearly illegal and unjustified. Mr.Sharma, the learned counsel appearing for the respondent No.2 society submits, that the society is bound by the terms of the order dated 14.01.1980 passed under Section 21 of ULC Act, including the clause regarding surrender of reservation to the Authorities.

2. The learned counsel for the petitioners submits, that the petitioners would be entitled to the benefit of surrender of land which are affected by the reservation. He also contends, that the application under Section 11(3) of MOFA has been filed by the person, who was not duly authorized to do so. In my considered opinion such a plea cannot be decided by the Competent Authority in exercise of its jurisdiction under Section 11 (3) of MOFA, considering which, the petitioners will have to approach the Civil Court for enforcement of such claim.

3. The petition is therefore, dismissed with liberty to the petitioners to approach the Civil Court. No costs.

(AVINASH G. GHAROTE, J.)