

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9751 OF 2024

New Jalpari CHS Ltd. ...Petitioner
 Versus
 M/s. Sudama Estate Agency And Ors. ...Respondents

**VASANT
ANANDRAO
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Mr.Sandeep Mishra i/b Mr.Vijay K. Tiwari for the Petitioner.

Ms.Tanu N. Bhatia A.G.P for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 18th JULY, 2024

P.C.:

1. It is contended that that though the respondent Nos.1 to 5 are having independent buildings, in the land of Survey No.159 (new No.20) and are part of the lay out plan sanctioned on that Survey Number, on account of which they have been granted independent deemed conveyance, the claim of the petitioner has been incorrectly rejected by the Competent Authority, holding that the petitioner is not entitled, to a deemed conveyance on the ground, that the petitioner has failed to provide the lay out plan and Architect certificate to prove its

propriety in the larger lay out, on account of which the claim of the petitioner could not be decided. It is contended that the lay out plan as well as Architect certificate, was filed by the Competent Authority, for which the Index before the Competent Authority at page 64 is being pointed out, document at Sr. Nos.16 and 17.

2. Issue notice to the respondents for final disposal, returnable on 29.07.2024. It is made clear if the plan which is indicated at Sr. No.16 at page 64 is not the sanctioned lay out plan, the Court will be constrained to impose the costs of Rs.5.00 lakhs upon the petitioner. The petitioner shall place on record the entire set of documents, as are listed in the index at page 64.

(AVINASH G. GHAROTE, J.)