



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10111 OF 2024

Shrishti Complex Sector III Co-operative
Housing Societies Association Ltd.

...Petitioner.

Versus

The Competent Authority and District Deputy
Registrar of Co-operative Societies, Thane
and Others.

...Respondents.

AND

WRIT PETITION NO. 10113 OF 2024

Shrishti Complex Sector III Co-operative
Housing Societies Association Ltd.

...Petitioner.

Versus

The Competent Authority and District Deputy
Registrar of Co-operative Societies, Thane
and Others.

...Respondents.

*Mr. Amogh Singh, Mr. Santosh Pathak, Mr. Kailash Patil and Mr Chirag Thakur
i/b Law Origin for the Petitioner.*

*Mr. Sunny Shah, Mr. Viral D. Shukla, Ms. Priti Shukla, Rudra M. Dani i/b Shukla
and Associates for the Respondent No. 5 in WP 10111/24 and for the
Respondent No. 2 in WP 10113/24.*

*Mr. Makarand B.Savant for the Respondent No. 2 and 3 in WP 10111/24 and for
the Respondent No. 6 and 7 in WP 10113/24.*

Ms. V. S. Nimbalkar, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 26, 2024.

P. C. :

1. Learned counsel appearing for the Petitioner submits that the connected writ petition, i.e., Writ Petition No. 5520 of 2023, which has been filed by the Developer has been admitted by order dated 26th April 2024 and ad-interim relief in terms of prayer Clauses (b-2) and (b-3) of the said petition has been granted, which read thus :

“(b-2) That pending the hearing and final disposal of Writ Petition, this Hon’ble Court be pleased to restrain the Respondent No. 2 and its members, servants, agents, employees of office bearers acting through or for and on behalf of the Respondent No. 2, from selling, transferring, dealing with and/or encumbering, creating any third party rights and/or alienating in any manner whatsoever, the property purportedly conveyed under the alleged Deed of Deemed Conveyance bearing Registration No.2408/2023 dated 12.04.2024.

(b-3) That pending the hearing and final disposal of the Writ Petition, this Hon’ble Court be pleased to restrain the Respondent No. 10 and 11 from making any changes in the relevant revenue records, i.e., 7/12 extracts, Village Form No.6 and Village Form No.8A on basis of the alleged Deed of Deemed Conveyance bearing Registration No.2408/2023 dated 12.04.2023.”

2. He submits that as the Petition No. 10113 of 2024 challenges the same order dated 27th March 2023 of grant of deemed conveyance to the Respondent No. 2, the present petitions may be admitted and the same interim relief may be granted.

3. Learned counsel appearing for the Respondent No.2 would oppose the grant of interim relief in the present petitions by contending that the grounds on which impugned order is challenged by

the Developer are distinct from the grounds on which the present Petitioner-Federation, which is part of the same lay-out has, challenged the impugned order in the instant petitions.

4. Perusal of the prayers in Writ Petition No. 5220 of 2023 and the Writ Petition No. 10113 of 2024 would indicate that the same order of Competent Authority dated 27th March 2023 granting deemed conveyance to the Respondent No. 2 herein has been challenged. As the connected petition is already admitted, **Rule** in Writ Petition No. 10111 of 2024 and 10113 of 2024.

5. Considering that there is already an ad-interim relief granted in the connected Writ Petition No. 5520 of 2023, Rule on interim relief in the instant petitions in terms of prayer Clauses (c) and (d) of Writ Petition No. 10113 of 2024 and in terms of prayer Clause (c) in Writ Petition No. 10111 of 2024, made returnable on **21st January 2024**.

6. As there was already ad-interim relief in the connected writ petition, there is no necessity for grant of ad-interim relief in the present Petitions. Respondent No.2 is at liberty to file affidavit opposing the grant of interim relief.

7. List on 21st January 2024 along with Writ Petition No. 5520 of 2023.

[Sharmila U. Deshmukh, J.]