
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1918 OF 2024

Arti Manoj Kalekar & Ors.

....Petitioners

Versus

The State Of Maharashtra & Ors.

....Respondents

Mr. Vishal Kanade *a/w. Anushka Rane i/b. Jyoti Kanade, for Petitioners.*

Mr. Pranil Sonawane *a/w. Raj Chaurasia, Janhavi Jadhav & Krishna Shukla, for Respondent No.5.*

Mr. Aloka A. Nadkarni, *AGP for Respondent-State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 04, 2025

ORDER :

1. This Petition impugns a deemed conveyance order dated April 12, 2022, by which conveyance of the subject property has been granted by the Competent Authority (“***Impugned Order***”).
2. The sole ground of challenge is that the Petitioners, being legal heirs of Mr. Shashikant Jagannath Wadke, who is identified as Opponent No.1 in the Impugned Order, had passed away in October 1998 (“***Wadke***”). The development of the property had taken place in

1992. The society had been formed in May 2021, and the deemed conveyance order has finally only been passed in 2022.

3. It is apparent that substituted service had been effected and that too in the name of the deceased and therefore, the Petitioners being the legal heirs of Wadke, have not had an opportunity of being heard before the Impugned Order was passed. On this limited ground, the limited prayer is that the Petitioners should be heard by the Competent Authority and this Court need not express any opinion on the merits of the matter one way or the other and all that the Petitioners seek is for an opportunity to be heard so that the Competent Authority would be able to deal with their contentions in their capacity as legal heirs of Wadke.

4. Learned Counsel for the Respondents submits that it is unclear whether the Petitioners are the legal heirs of Wadke. He also submits that there have been other proceedings, including baseless complaints, which led to de-registration of the society, which forms subject matter of further appellate proceedings, and eventually the subject matter of a Writ Petition filed before this Court. Therefore, he submits, any impression that the Impugned Order was set aside on merits ought not to be given and must not have a bearing on the merits of the Society's entitlements rightly provided for in the deemed conveyance order.

5. Having heard the parties, without expressing any opinion on the merits of the matter, purely on the ground of natural justice, it is considered appropriate to permit the Petitioners to be heard by the Competent Authority. The original application shall remain undisturbed, which shall be served on the Petitioners. Should the Petitioners have anything to say on the same, they shall submit their say to the Competent Authority within a period of two weeks from the upload of this order on the website of this Court. The Competent Authority shall then convene within a period of four weeks thereafter and issue instructions on how to proceed further, and hear all the parties including the Respondents.

6. It is made clear that the setting aside of the Impugned Order by way of remand is solely on the grounds of natural justice and nothing contained in this order is an expression of an opinion on the merits of any contention by the Petitioners regarding their purported entitlements as owners or as legal heirs of the original landowner.

7. I note that the Petitioners live in the same building as that on which the building of the Society stands. Nothing in this order shall be of any relevance in any dispute between the Petitioners and the Society in any forum. Any other proceedings between the parties under any other stream of law shall be uninfluenced by this order of remand

which purely enables a chance to the Petitioners to present their say to the Competent Authority.

8. In these circumstances, this Petition is hereby finally *disposed of*.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]