

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5129 OF 2024

Srishti Complex Vrindavan Galaxy
and Vrindavan Heights Cooperative
Society Association Limited

...Petitioner

Versus

The State Of Maharashtra & Anr

...Respondents

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Dr. Uday Warunjikar, Senior Advocate *a/w. Aditya Kharkar, for
Petitioner.*

Mr. Naresh Pai *a/w. Adv. Madhu Rani i/b One Point Legal
Solution, for Respondents.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : November 10, 2025

ORDER :

1. By an order dated July 13, 2022, a Learned Single Judge of this Court had given liberty to two Petitioners in Writ Petition No. 2996 of 2020 and Writ Petition No. 3230 of 2020 to approach the Competent Authority seeking correction to the Deemed Conveyance to the extent of additional proportionate open area attributable to the two societies in terms of the Government Resolution dated June 22, 2018.

2. It is seen from record that after the aforesaid order, the two

societies appear to have been merged in the name of “Srishti Complex Vrindavan Galaxy and Vrindavan Heights Co-operative Society”. The merged society has filed an application on December 10, 2022 which came to be dismissed by the impugned order dated February 10, 2023. The sole ground of dismissal appears to be that the application is not in conformity with the scope of the liberty granted by the Learned Single Judge in his order dated July 13, 2022.

3. After the parties were heard for some time, it is felt appropriate to set aside the impugned order dated February 10, 2023 with liberty to the Petitioner to provide a detailed clarification and explanation of events subsequent to the order dated July 13, 2022. Should the Competent Authority have had any confusion about the veracity of the data or reconciliation of the respective areas of the two societies whose Petitions were disposed of by order dated July 13, 2022, the Competent Authority could have well posed questions to the Applicants and asked them to explain and clarify instead of simply rejecting the applications as not being in conformity with the liberty granted by the High Court.

4. The Competent Authority shall hear the parties and should there persist any confusion about the entitlements of the two erstwhile

societies which merged into the current Petitioner, such queries shall be put to the parties to seek necessary clarifications. Paragraph 7 of the earlier order made it clear that the Competent Authority was expected to be sensitive to the Government Resolution dated June 22, 2018. In my opinion, it would be required of the Competent Authority to apply its mind to specific facts and pass a reasoned order rather than simply reject the application on the premise that it does not conform to the liberty granted by the Learned Single Judge.

5. Liberty to the Petitioner to file a supplemental submission explaining all subsequent developments, so that there is no room for any further confusion. The Competent Authority is requested to convene within a period of two weeks from the upload of this order, to issue appropriate directions on what clarifications are needed and then pass a fresh order on merits.

6. The Petition is ***finally disposed of*** in the aforesaid terms.

7. 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.**]

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