

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6642 OF 2024

Shankar Namdev Gaikwad
Through POA Roshan Shankar Gaikwad ... Petitioner
V/s.
District Deputy Registrar,
Thane and ors. ... Respondents

*Ms. Sanjukta Dey with Mr. Yash Dinde and Ms. Rhea Rajesh i/by M/s Yende
Legal Associates, Advocates for the Petitioner.
Mr. V. R. Raje, AGP for the State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 11 February, 2025.

PC. :

1. The Petition challenges order dated 6th September, 2022 passed by the Competent Authority granting unilateral deemed conveyance in respect of land admeasuring 981.18 sq. meters as well as proportionate built up area in favour of Respondent No.2-Society.
2. I have heard Ms. Sanjukta Dey, learned counsel appearing for the Petitioner and have considered the submissions canvassed by her.
3. The main grouse of the Petitioner is about non-fulfillment of promises by the Developer arising out of the Development Agreement executed with

the original owners of the land. It appears that several suits are filed with regard to the obligations arising out of the said Development Agreement. In a limited remit of inquiry before the Competent Authority under section 11 of the Maharashtra Ownership of Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, it cannot go into the complicated issues of title. In an application filed for unilateral deemed conveyance of the land, the original owners cannot seek to espouse their grievance against the Developer arising out of the Development Agreement. Therefore, objections sought to be raised by the Petitioner for unilateral deemed conveyance of the land in favour of the Society were not tenable before the Competent Authority. No serious error is therefore traced in the order passed by the Competent Authority. In case Petitioner succeeds in the pending suits, the orders passed by the Competent Authority would obviously be subject to the final outcome of the decree that would be which passed in the such suits.

4. Writ petition is accordingly rejected.

(SANDEEP V. MARNE, J.)