

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8982 OF 2024

M/s. Dhanvika Realty LLP

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr. Sunil B. Malvankar *for the Petitioner.*

Mr. Siddhesh Bhole *(Through V.C.) a / w Ms. Riddhi Natekar i / b*
Mr. Shreyas Vyas for Respondent No.2.

Mr. S. L. Babar, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

Dated: 6 MAY 2025.

P.C.:

1) Petitioner has challenged order dated 28 February 2023 passed by the District Deputy Registrar, Co-operative Societies, Mumbai City (4) and Competent Authority issuing certificate of unilateral deemed conveyance of land admeasuring 741.90 sq.mts. out of total plot admeasuring 840 sq.mts. in favour of Respondent No.2-society.

2) I have heard the learned counsel appearing for the parties and considered the submissions canvassed by them.

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3) Petitioner claims to be owner of land admeasuring 98.10 sq.mts. by virtue of Deed of Conveyance dated 27 December 2023. Thus, land admeasuring 98.10 sq.mts. is apparently purchased by the Petitioner on 27 December 2023 after passing of order of deemed conveyance dated 28 February 2023. Petitioner has thus appeared on the scene after issuance of certificate of deemed conveyance in favour of second Respondent - Society on 28 February 2023. Petitioner has apparently executed Deed of Conveyance in his favour after noticing that the Competent Authority did not convey entire plot admeasuring 840 sq.mts. in favour of the second Respondent-Society. The Competent Authority has conveyed land admeasuring 741.90 sq.mts. out of total land admeasuring 840 sq.mts. This would leave land admeasuring 98.10 sq.mts, which has not been conveyed in favour of the second Respondent -Society. Petitioner has chosen to purchase such unconveyed land admeasuring 98.10 sq.mts. vide Deed of Conveyance dated 27 December 2023. In that view of the matter, Petitioner cannot set up a challenge to the order dated 28 February 2023 since the land conveyed in favour of the Second Respondent -Society does not form part of the Conveyance Deed dated 27 December 2023 executed in his favour.

4) The learned counsel appearing for the Petitioner would complain that the second Respondent-Society has taken over possession of entire land admeasuring 840 sq.mts. and has fenced the same. If that is the case and if Petitioner believes that

land admeasuring 98.10 sq.mts. allegedly owned by him is encroached upon by second Respondent Society, its remedy lies elsewhere. Mere alleged encroachment by second -Respondent society on land admeasuring 98.10 sq.mts. falling in ownership of the Petitioner cannot be a ground for setting up a challenge to the certificate of deemed conveyance dated 28 February 2023. I therefore find the Petition to be totally misconceived.

5) It must also be noted here that M/s. Vas Infrastructure Ltd. who has sold land admeasuring 98.10 sq.mts. in favour of the Petitioner vide Conveyance Deed dated 27 December 2023 had filed Writ Petition (Lodging) No.13808 of 2023 challenging order dated 28 February 2023. The said Petition has been withdrawn by M/s. Vas Infrastructure Ltd. Petitioner, who is a subsequent purchaser through M/s. Vas Infrastructure Ltd. cannot be permitted to independently challenge order dated 28 February 2023. This is yet another reason why present Petition deserves outright rejection.

6) The Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]