

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9946 OF 2024

Sheth Land Development Corporation
V/S

....Petitioner

State of Maharashtra & Ors.

....Respondents

Mr. Ankit Lohia with Mr. Kshitij Madekar, Mr. Pratik Poojari
i/b Mr. Pratik Amin *for the Petitioner.*

Mr. S.D. Vyas, Additional GP with Ms. Dhruti Kapadia, AGP
for Respondent Nos.1, 2, 5 and 6/State.

Mr. Ashok M. Saraogi *for Respondent No.3-Society.*

Mr. Rushabh Sheth *i/b M/s. Samavta Legal Associates for
Respondent No.4.*

CORAM: SANDEEP V. MARNE, J.

DATE : 25 FEBRUARY 2025.

P.C.:

1. The Petition challenges order dated 14 July 2022 passed by the Competent Authority and District Deputy Registrar, Co-operative Societies, issuing certificate of unilateral deemed conveyance of land and building in favour of Respondent No.3-Society. It must be observed at the very outset that the same order dated 14 July 2022 was earlier challenged by Respondent No.4-Janata Housing Private Limited in Writ Petition No.3935 of 2023 which has been dismissed by this Court by detailed judgment dated 19 December 2023. Petitioner was impleaded as Respondent No.4 in Writ Petition No.3935 of 2023 and had

canvassed detailed submissions opposing the order of deemed conveyance dated 14 July 2022. After dismissal of Writ Petition No.3935 of 2023 by this Court upon taking into consideration all objections raised by the Petitioner (who was Respondent No.4 therein) the Petitioner has belatedly filed the present Petition after two years of passing of the order dated 14 July 2022. The Petitioner thus wants to have another bite at the cherry after making an unsuccessful attempt of supporting the Petition filed by the Janata Housing Private Limited. It never informed the Court that it was desirous of independently challenging the order of deemed conveyance. It took a calculated chance of upsetting the order of deemed conveyance by supporting the petition filed by Janata Housing Private Limited.

2. It appears that Janata Housing Private Limited is the main Developer through whom Petitioner claims to have derived sub-development rights. Thus both Janata Housing Private Limited as well as Petitioner appear to be the Promoters in respect of the project in question. They cannot be permitted to split themselves by filing multiple Petitions challenging the same order of deemed conveyance passed by the Competent Authority. Perusal of the judgment dated 19 December 2023 passed in Writ Petition No.3935 of 2023 would indicate that detailed submissions were canvassed on behalf of the Petitioner herein who was Respondent No.4 therein including the submissions relating to non-service of notice of Application for deemed

conveyance as well as conveyance of incorrect area in favour of the Society. All the objections raised by the Petitioner have been repelled by this Court vide judgment dated 19 December 2023. Despite rejection of all its objections, the Petitioner has filed the present Petition for the purpose of having another bite at the cherry by seeking to canvass the same submissions which were canvassed while supporting Writ Petition No.3935 of 2023. This Court does not appreciate the conduct on the part of the Petitioner in keeping the Respondent-Society in continuous course of litigation by filing multiple proceedings raising the same issues. The petition is gross abuse of process of law. Therefore dismissal of the present Petition would not be without consequences.

3. For the reasons recorded in the judgment dated 19 December 2023 passed in Writ Petition No.3935 of 2023 the present Petition is also dismissed. The Petitioner shall pay to Respondent No.3-Society costs of Rs.1,00,000/- within a period of four weeks.

(SANDEEP V. MARNE, J.)

SUDARSHAN
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