

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11040 OF 2024

Rajendra Shantilal Sanghavi

...Petitioner

Versus

State Of Maharashtra Ministry Of Co Operative
Affairs & Ors

...Respondents

**Ms. Shweta Singh, a/w G.S. Hedge, Senior Counsel, for the
Petitioner.**

Mr. A.A. Walavalkar, for Respondent No.3.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 5, 2025

ORDER :

1. This Petition essentially impugns an order of Deemed Conveyance dated November 21, 2013 by which the subject property covered by the said order has been conveyed by the Competent Authority. The Petitioner, Rajendra Shantilal Sanghavi, is the son of Shantilal Sanghavi, who along with one Tapidas Sanghavi were the original owners of the land *inter alia* on which the Respondent No.3, Society's building stands. The original developer was Respondent No.4, M/s. Prakash Construction Company.

2. It is seen from the record that in the proceedings before the competent authority, Mr. Rajendra Sanghavi along with his brother

Vikram Sanghavi, participated and from time to time, and month on month, between July 2013 and September 2013, they sought further time and also undertook to cooperate with the Society to resolve the issue.

3. Eventually, the Deemed Conveyance order came to be passed on November 21, 2013. The primary ground on which this Petition is being pressed, among other points, is that the impugned order is passed against two dead persons, namely, Mr. Shantilal Sanghavi and Mr. Tapidas Sanghavi. While at first blush, this may seem an attractive reason for the writ Court to interfere, it is seen that the Petitioner was a party to the proceedings and at that stage had in fact indicated that they were legal heirs of the late Shantilal Sanghavi.

4. The stance of the Petitioner at that time was taken in his capacity as a legal representative and therefore he participated in the proceedings. Seen in that context, coming to the writ Court twelve years later is not a matter that lends itself for interference in the exercise of the equitable discretionary jurisdiction under the writ Court.

5. Needless to say, the contention that the order is a nullity on the premise that it was passed against a dead person may be agitated in such appropriate forum and proceedings as the Petitioner may be

advised. Having sat on the situation for the last twelve-years, and that too after participation as legal representatives of a dead person, the contention that the order was passed against a dead man before the writ Court at the last stage, when the building is on the verge of being demolished, *inter alia* at a stage when the building is meant to go for a structural audit, does not lend itself to acceptance for interference.

6. I am not inclined to exercise the discretionary jurisdiction of the Writ Court in these circumstances. However, it is made clear that nothing in this order is an expression of an opinion on the merits of the matter one way or the other. The Petitioner is free to agitate his grievances in such forum as may be available to him, including the contention that the order has been passed against two dead persons. Such forum would deal with the issue of participation by the Petitioner in those proceedings.

7. With the aforesaid observations, this Writ Petition is ***disposed of*** without any interference.

8. Learned Senior Counsel for the Petitioner has instructions to submit that an appropriate suit would be filed within a period of two weeks from the date of upload of this order. It is left to the Petitioner to take such recourse to such proceedings as advised, with no comments

from this Court including on the maintainability of any such proceedings.

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.]