

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13611 OF 2024

Shri Ashok Harbanslal Rajput @ Kochar ... Petitioner
V/s.
M/s Shree Gajanan Associates and ors. ... Respondents

Mr. Rajesh More, Advocate for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the Respondent-State.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 February, 2025.

PC. :

1. The petition challenges order dated 30th August, 2013 passed by the Competent Authority granting unilateral deemed conveyance of land and building in favour of the Respondent-Society.

2. I have heard Mr. More, learned counsel for the Petitioner and have considered the submissions canvassed by him.

3. Firstly, there appears to be inordinate delay and laches on the part of the Petitioner in filing the present petition. The order of deemed conveyance has been passed by the Competent Authority on 30th August, 2013, whereas the present petition is filed 11 years later in the year 2024. There is no justification pleaded in the petition *qua* such inordinate delay.

On the contrary, a bald statement is made in paragraph 21 of the petition that there is no delay or laches on the part of the Petitioner. This Court is therefore not inclined to entertain the present petition on the ground of delay and laches.

4. Even if the ground of delay and laches is to be ignored, I do not find any error in the orders passed by the Competent Authority. Petitioner has some dispute with the Developer in respect of the Development Agreement. He will have to agitate such dispute by adopting appropriate remedies. Existence of dispute between the land owner and the Developer cannot be a reason for not granting deemed conveyance in favour of the Society formed by the flat purchasers. Therefore, even on merits, no case is made out for interference in the order dated 30th August, 2013.

5. The petition is accordingly rejected.

(SANDEEP V. MARNE, J.)