

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

WRIT PETITION NO. 17727 OF 2024

M/s Shreenath Auto Works and
Service Station

...Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

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**Mr. Radhikesh V. Uttarwar, a / w Pooja R. Thakur, for the
Petitioner.**

Ms. Snehal S. Jadhav, AGP for the Respondent / State.

CORAM: SANDEEP V. MARNE, J.

DATE : 5 MAY 2025.

P.C.:

1) The Petitioner challenges order dated 30 April 2013 passed by Competent Authority and District Deputy Registrar of Co-operative Societies, Pune issuing certificate of unilateral deemed conveyance of land admeasuring 3640.00 sq. mtrs. in favour of Respondent No.2- Society.

2) The Petitioner claims to be the land owner, who was apparently not impleaded as party Respondent to Application No.92 of 2012 filed by the Respondent No.2- Society. The

certificate dated 30 April 2013 has already once been corrected by issuance of corrigendum dated 23 February 2021.

3) Now, another application is filed for issuance of fresh corrigendum by the Respondent No.2- Society for the purpose of incorporation of all the land owners, including the Petitioner in the certificate of unilateral deemed conveyance. The Application was opposed by the Petitioner raising the issue of jurisdiction of the Competent Authority to issue corrigendum by relying on judgement of this Court in ***Kashish Park (Realtors) Pvt. Ltd. & Ors. Vs. State of Maharashtra & Ors***¹.

4) However, it appears that by order dated 31 March 2025, the Competent Authority has rejected the objection of maintainability. Leave is granted to challenge the order dated 31 March 2025. Amendment to be carried out forthwith.

5) The contention of the Petitioner is that since the original order dated 30 April 2013 is passed without hearing it, the Competent Authority cannot issue a corrigendum only for the purpose of incorporating the name of the Petitioner in the order dated 30 April 2013. It is submitted that the proceedings are effectively decided without grant of opportunity of hearing to the Petitioner and such opportunity would continue to remain denied even after issuance of corrigendum by adding name of the Petitioner to the order dated 30 April 2013. Instead, it is suggested by the Petitioner that order dated 30 April 2013 be set

¹ (2021) 3 MhLJ778.

aside and Application No.92 of 2012 be remanded to the Competent Authority for being decided afresh. It is the contention of the Petitioner that under agreement executed under provisions of Section 4 of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, the land ad-measuring 3640.00 sq. mtrs. was made available for construction of two buildings. However, the impugned order dated 30 April 2013 conveys the entire land admeasuring 3640.00 sq. mtrs. to one building of the Respondent No.2- Society.

- 6) Issue notice to the Respondents, returnable on 1 July 2025.
- 7) AGP waives notice on behalf of the Respondent No.1.
- 8) In addition to the Court notice, the Petitioner to serve Respondent Nos.2 to 4 by private service.
- 9) Till the next date of hearing, the proceedings before the Competent Authority in Application No.92 of 2012 shall remain suspended.

[SANDEEP V. MARNE, J.]