

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17976 OF 2024

Tarabai Laxman Patil and Ors.] *Petitioners*

: *Versus* :

Competent Authority and District
Deputy Registrar & Ors.] *Respondents*

Mr. K.S. Dewal i/by. *Mr. Yash Dewal and Mr. Sham Thakur, for the Petitioners.*

Ms. Snehal Jadhav, *AGP for State-Respondent No.1*

Mr. Mayur Khandeparkar i/by. *Mr. Vinayak Patil, for Respondent No.2-Mira Dham CHSL.*

CORAM : SANDEEP V. MARNE, J.

DATED : 28 APRIL 2025.

P.C. :

1) Mr. Dewal, the learned counsel appearing for the Petitioners seeks time to go through the Affidavit-in-reply filed on behalf of Respondent No.2-Society.

2) It appears that by order dated 29 August 2024, the Competent Authority has granted Certificate of unilateral deemed conveyance in favour of Respondent No.2-Society by which the land is conveyed on ownership basis. It appears that the lease agreement dated 2 November 1975 was executed between the land owners (*Petitioners*)

and the Promoter. By way of further supplementary agreement dated 14 December 1975, the land owners conferred power on the Promoter to cause construction on the land and to sell flats to the flat purchasers. In the supplementary agreement, the land owners have agreed to grant lease of the land in favour of the Co-operative Society formed by the flat purchasers.

3) *Prima-facie*, therefore the Competent Authority ought to have granted lease of the land in favour of Respondent No.2-Society. To this limited extent, *prima-facie* the order dated 29 August 2024 requires modification.

4) I have gone through the photographs of the building which indicates that the building is in a dire state of immediate redevelopment. It would be therefore in the fitness of things if the Petitioners and Respondent No.2-Society try to resolve the issues by granting lease of the land in question in favour of the Second Respondent-Society and the Petitioners agree for redevelopment of the building in question. Both Mr. Dewal and Mr. Khandeparkar seek time to explore the possibility of amicable settlement. List the petition for further consideration on **6 May 2025**.

5) Interim relief granted earlier shall continue to operate till the next date of hearing.

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[SANDEEP V. MARNE, J.]