

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

WRIT PETITION NO.18929 OF 2024

M/s. Steelcon Foundations
through its Partner Anil Mutha
V/S

....Petitioner

Competent Authority and
District Deputy Registrar & Ors.

....Respondents

Mr. G.S. Godbole, Senior Advocate i/b Ms. Druti Datar *for the Petitioner.*

Mr. S.D. Rayrikar, AGP *for Respondent No.1 / State.*

Mr. Sagar Joshi *for Respondent No.2.*

Mr. Panicker *i/b Juris Sulvation for Respondent No.3.*

Ms. Vaishali Bhamat, representative of Petitioner is present in Court.

**CORAM: SANDEEP V. MARNE, J.
DATE : 10 MARCH 2025.**

P.C.:

1. The Petition challenges order dated 28 June 2024 passed by the Competent Authority and District Deputy Registrar, Co-operative Societies, Thane, granting unilateral deemed conveyance of proportionate undivided land admeasuring 3174.60 square meters out of total land admeasuring 3993.72 square meters in favour of Respondent No.2-Society.

2. I have heard Mr. Godbole, the learned Senior Advocate appearing for Petitioner, Mr. Joshi, the learned counsel appearing for Respondent No.2-Society and Mr. Panicker, the learned counsel appearing for Respondent No.3.

3. The main ground on which the certificate of unilateral deemed conveyance is sought to be challenged by the Petitioner-Promoter is pendency of suit being Special Civil Suit No.412 of 2019 between it and Respondent No.3-land-owner in the Court of Civil Judge Senior Division, Thane. The said Suit is instituted by Respondent No.3-land-owner mainly against the Petitioner-Promoter regarding alleged termination of development agreement on account of non-grant of due benefits to the land-owner. Though the Society is made party to the said suit, I do not see any reason why pendency of the said suit would suspend the statutory obligation for the Petitioner-Developer to convey its right, title and interest in the land and the building in favour of Respondent No.2-Society. The Competent Authority has granted proportionate land admeasuring 3174.60 square meters in favour of Respondent No.2-Society. No case is made out pointing out any error in the area of land conveyed in favour of Respondent No.2-Society. In that view of the matter, I do not find any valid reason to interfere in the order dated 28 June 2024 passed by the Competent Authority. In the event the Petitioner believes that the area of the land conveyed in favour of Respondent No.2-Society is not correct, Petitioner can always institute a civil suit

challenging the area of land conveyed in favour of the Respondent No.2-Society as certificate of unilateral deemed conveyance is not final adjudication of rights and entitlement of parties *qua* the land conveyed. Writ Petition is accordingly **rejected**. No order as to costs.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM
Digitally signed
by SUDARSHAN
RAJALINGAM
KATKAM
Date:
2025.03.13
10:38:37 +0530