

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

WRIT PETITION NO. 1256 OF 2025

Priya Prabhakar Rane

....Petitioner

V/s.

The District Deputy Registrar
Co-op Societies, Mumbai City
and Ors.

....Respondents

Mr. Uday B. Nighot, for the Petitioner.

Ms. Kavita N. Solunke, AGP for the Respondent-State.w

CORAM : SANDEEP V. MARNE, J.

Date : 24 January 2025.

P.C. :

1) The Petitioner challenges the order dated 28 November 2024 passed by the Competent Authority granting Certificate of unilateral deemed conveyance of land and building in favour of Respondent No.2-Society.

2) It is the case of the Petitioner that the Promoter erroneously included his portion of land in the development carried out by him on the basis of erroneous consolidation order, which was subsequently set aside. In short, Petitioner submits that some portion of the land taken up for development by the Promoter and which is sought to be transferred in favour of Respondent No.2-Society by the order of the Competent Authority actually belongs to him. In my view, the dispute of title or boundaries cannot be agitated in an

enquiry under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction Sale, Management and Transfer) Act, 1963 (MOFA). Petitioner will have to file a suit for claiming his right, title and interest in the portion of land conveyed in favour of Respondent No.2-Society. Mere grant of Certificate of unilateral deemed conveyance would not prevent the Petitioner from instituting suit for claiming right, title and interest in the land so conveyed under Section 11 of the Act.

3) Reserving the liberty to the Petitioner to file suit for claiming right, title and interest in any portion of the land conveyed to Respondent No.2-Society, the Writ Petition is **disposed of**.

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[SANDEEP V. MARNE, J.]