

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

WRIT PETITION NO. 12280 OF 2025

Minakshi Developers Through Ratilal Ramji
Gupta And Ors.

...Petitioners

Versus

The Competent Authority Or District
Registrar Of Co-Op Societies And Ors.

...Respondents

Mr. Vishal Patil, for the Petitioners.
Mr. P. V. Nelson Rajn, AGP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 1st DECEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 29th March, 2019 passed by the Competent Authority and Deputy Registrar, Co-operative Societies, thereby granting a certificate of Deemed Conveyance under Section 11 of the the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, ("the MOFA, 1963").
3. The learned Counsel for the petitioners submitted that the building of the Society has been constructed on an area admeasuring 1206.76 sq. mtrs. only and the Deemed

Conveyance has been granted in respect of an area admeasuring 1920 sq. mtrs.

4. Respondent No.1 Society had annexed a copy of the Agreement executed by the Promoter to the application for Deemed Conveyance. The schedule appended to the Agreement clearly indicates that the units sold thereunder were out of the building constructed on the land bearing Survey No.24, Hissa No.3, admeasuring 1920 sq. mtrs.

5. It is trite the grant of certificate of Deemed Conveyance by the Competent Authority does not preclude the aggrieved person from instituting a suit questioning title to the area in respect of which the Deemed Conveyance has been granted.

6. In the case of *Arunkumar H Shah HUF vs Avon Arcade Premises Co-operative Society Limited and ors.*¹, the Supreme Court gave its imprimatur to the aforesaid proposition by observing that, the Competent Authority cannot conclusively and finally decide the question of title. Therefore, notwithstanding the order under sub-section (4) of Section 11, the aggrieved parties can always maintain a civil suit for establishing their rights.

1 (2025) 7 SCC 249.

7. In view of the above, there is no propriety in entertaining the petition.

8. The writ petition stands disposed.

9. By way of abundant caution, it is clarified that the dismissal of this petition would not be arrayed against the Petitioner, in the event the Petitioner institutes a suit based on title.

[N. J. JAMADAR, J.]