IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12849 OF 2026

Prabha Vinayak Co-operative Housing Society Ltd. ....Petitioner
V/S
The State of Maharashtra & Ors. ....Respondents

Dr. Uday P. Warunjikar with Ms. Sonali R. Chavan i/b Mr. Aditya P. Kharkar *for the Petitioners.*
Mr. Rohan Sawant with Ms. Uma Acharya, Mr. Vijay Mulchandani i/b Jayakar & Partners *for Respondent No.2.*
Ms. Triveni Jawale i/b Markand Gandhi & Co. *for Respondent No.3.*
Mr. A.C. Bhadang, AGP *for Respondent No.1/State.*

CORAM : SANDEEP V. MARNE, J.
DATE : 05 OCTOBER 2026.

P.C.:

1. The Petition challenges order dated 30 March 2026 passed by the District Deputy Registrar, Co-operative Societies, Mumbai-1 (City) and Competent Authority granting certificate of unilateral deemed conveyance of land admeasuring 1277.45 square meters and building constructed thereon in favour of Respondent No.2-Society.

2. I have heard Dr. Warunjikar, the learned counsel appearing for Petitioner-Society, Mr. Sawant, the learned counsel appearing for Respondent No.2-Society, Ms. Jawale, the learned counsel appearing for Respondent No.3 and Mr. Bhadang, learned AGP appearing for Respondent No.1-State.

3. It appears that Petitioner is a Society formed by the occupiers of the original structure on the land, who are now allotted rehab tenements. Respondent No.2 is a Society formed by sale component members. Petitioner-Society has already filed Suit before City Civil Court, *inter alia*, for grant of joint conveyance of the entire plot of land in favour of Petitioner-Society and Respondent No.2-Society. It appears that there is also a dispute with regard to certain parking spaces located in the building of Respondent No.2-Society, to which Petitioner-Society has staked a claim.

4. Respondent No.2-Society does not desire a joint conveyance. It sought independent conveyance of portion of land in its favour and filed Application No.34 of 2025 before the Competent Authority. Respondent No.2-Society relied on certificate of the Architect, which indicates that the gross plot area is 2305.20 square meters. After deduction of area for road setback of 88.28 square meters, the net plot area available for sub-division is 2216.92 square meters. The Architect has conducted the exercise of proportionate land division depending on the built-up area utilized for construction of buildings of both the Societies. The share of the Petitioner-Society in respect of the net plot area is 42.38%, whereas such share of Respondent No.2-Society is 57.62%. Accordingly, the Architect has computed share of the Respondent No.2-Society in the plot as 1277.45 square meters. The share of Petitioner-Society is indicated as 939.47 square meters.

5. The Competent Authority has correctly taken into consideration the land division made by the Architect of Respondent No.2-Society and has correctly conveyed in favour of Respondent No.2-Society land admeasuring 1277.45 square meters.

6. Petitioner-Society is not left high and dry, as it would be entitled to claim balance land admeasuring 939.47 square meters. It can secure conveyance of land admeasuring 939.47 square meters either through the civil suit which is pending before the City Civil Court. Alternatively, it can withdraw the prayer for conveyance from the civil suit and apply to the Competent Authority for conveyance of land admeasuring 939.47 square meters. If, on the other hand, Petitioner-Society believes that individual conveyance cannot be granted in favour of Respondent No.2-Society, and what can be granted in law is only a joint conveyance in favour of the two Societies, it can incorporate challenge to the order dated 30 March 2026 in the pending suit. It is for Petitioner-Society to decide what course of action it desires to adopt in the facts of the present case.

7. So far as disputes relating to parking spaces are concerned, the Competent Authority is incapable of resolving the same in exercise of its limited jurisdiction. The said issue needs to be decided in pending suit. Mere conveyance of land admeasuring 1277.45 square meters would not come in the way of Petitioner-Society getting adjudicated its rights in respect of parking spaces located in the constructed portion of land conveyed in favour of Respondent No.2-Society.

8. Leaving open all the remedies to the Petitioner-Society as discussed above, and upholding the order dated 30 March 2026 passed by the Competent Authority, the Writ Petition is **disposed of.**

(SANDEEP V. MARNE, J.)

Signed by: Sudarshan R. Kadam
Designation: PS To Honourable Judge
Date: 07/10/2026 11:13:22