

MPBalekar

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

WRIT PETITION NO. 14399 OF 2024

Shanta Mangesh B Co-operative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra and Ors. ... Respondents

Mr. Kapil N. Gor a/w Tatsat K. Gor and Satchit K. Gor
for the petitioner.

Ms. S.S. Jadhav, AGP, for the State – Respondent Nos. 1
& 2.

Mr. Prasad Apte for respondent No.3.

Ms. Priyanka Kothari a/w Meenakshi A. i/by Waquar
Ahmed for respondent No.4.

Mr. Mandar Joshi a/w D. Joshi for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : APRIL 20, 2026

P.C.:

1. The challenge raised in the present writ petition is directed against the order passed by the Competent Authority in exercise of powers under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, whereby the application preferred by the petitioner seeking grant of unilateral deemed conveyance came to be rejected.

2. It appears from the record that the Certificate dated 10 January 2024, annexed to the writ petition at Exhibit P, was placed

before the Competent Authority at the instance and upon the direction of the Competent Authority itself for the purpose of proper adjudication of the matter.

3. The parties to the present writ petition have fairly agreed that the percentage of area as reflected in the said Certificate is correct and acceptable. In view thereof, no further dispute survives on that limited aspect. Consequently, the petitioner would be entitled to grant of deemed conveyance in respect of the area mentioned in the said Certificate. Hence, the following order is passed:

i. Within a period of four weeks from the date of production of a copy of this order, the Competent Authority shall issue an appropriate Certificate in favour of the petitioner in respect of the exclusive area admeasuring 410.66 square meters and the proportionate undivided area admeasuring 72.47 square meters out of 261 square meters situated in the R.G. area. Thus, the total entitlement of the petitioner, inclusive of the exclusive area and undivided proportionate share as stated above, shall be 483.13 square meters out of the total land admeasuring 1740 square meters bearing CTS No. 159/B, Village Ismailiya, District Andheri, City Survey Office Andheri, Mumbai Suburban District.

ii. It is clarified that the common areas reflected in the sanctioned plan, including the access road and all other common portions, shall continue to remain common and jointly available for use between both the societies in

accordance with law.

4. The writ petition stands disposed of in the above terms.

(AMIT BORKAR, J.)