

Shabnoor

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

WRIT PETITION NO.17440 OF 2024

Bhagawan Bhairu Badre ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

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Mr. Sanjiv Sawant a/w Samir Suryawanshi, Bhakti
Wast, for the Petitioner.

Mr. N. G. Gupta a/w Vishaki Bhatia, Satyajit K., for
Respondent No.3 – Society.

Ms. Savita Prabhune, AGP, for the State – Respondent
Nos.1 & 2.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 20, 2026

P.C.:

1. The petitioner claims to be the owner of the property in respect of which 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 (“MOFA”), has granted deemed conveyance in favour of Respondent No. 2 – society. According to the petitioner, the respondent–society had earlier instituted a civil suit in relation to a conveyance executed by the petitioner in favour of a third party. However, having failed to obtain any relief in the said civil suit, the respondent–society thereafter initiated proceedings for deemed conveyance, pursuant to which the Competent Authority passed the impugned order granting deemed conveyance in favour of

Respondent No. 2–society.

2. If, as contended, the petitioner has already executed a conveyance in respect of the property which forms the subject matter of the deemed conveyance, the appropriate person/party to challenge the order passed by the Competent Authority would be the purchaser who claims title under such conveyance. However, if there is any subsisting rights available for the petitioner are concerned, the same, if required to be enforced, the appropriate remedy would be by way of instituting a civil suit.

3. This Court, in *Shimmering Heights CHS Ltd. & Ors. v. State of Maharashtra & Ors.* (Writ Petition No. 3129 of 2016, decided on 6 April 2016), and a Division Bench of this Court in *Zainul Abedin Yusufali Massawawala & Ors. v. Competent Authority, District Deputy Registrar of Co-operative Housing Societies, Mumbai & Ors.*, 2016 SCC OnLine Bom 6028, as well as in *P.R. Enterprises & Anr. v. Competent Authority & Anr.* (Writ Petition No. 1125 of 2016, decided on 27 November 2018), has consistently held that where the grievance pertains to contractual entitlement or ownership rights, such disputes raise questions of title which fall within the exclusive domain of the Civil Court.

4. In view of the aforesaid, and keeping all questions raised by the petitioner open to be agitated before the Civil Court, the present petition stands disposed of.

(AMIT BORKAR, J.)