

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.437 OF 2026

Lalo Shafi Khan & Anr.

... Petitioners

V/s.

The District Deputy Registrar,
Cooperative Societies & Ors.

... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2026.01.19
16:53:08 +0530

Mr. Rajendra Mishra with Mr. Akshay Kalbande for the
petitioners.

Dr. Dhruvi Kapadia, AGP for respondent Nos.1 and 2-
State.

Mr. Rohit Sakhadeo for respondent No.4.

Mr. D.R. Singh i/by R.B. Singh & Associates for
respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2026

P.C.:

1. The petitioners contend they bought individual bungalows from a developer. They contend the developer sold each petitioner a separate bungalow and the land under it. They contend this transfer gives them full rights over their respective plots. They contend the impugned order grants deemed conveyance to the society over the entire land and all bungalows. They contend this order takes away their rights. They seek to set aside the impugned order for this reason. This submission is based on their agreements and the documents showing transfer of possession.

2. The law on this point is settled. In *Veer Tower Cooperative Housing Society Limited vs District Deputy Registrar, Cooperative Societies, Mumbai City (4) and others*, 2023 SCC OnLine Bom 324, this Court held that a promoter or a person claiming through the promoter must file a civil suit if the grievance is about the extent of the society's rights or conveyance. The Court noted that a writ petition is not the proper remedy when the dispute concerns contractual obligations or sanctioned plans. The Court also noted that in disputes about phased development or formation of separate societies, the civil court must decide the matter. The consistent view of this Court is that a person who alleges that the society is claiming more than what the contract or sanctioned plan allows must go to the civil court. The statutory mechanism for deemed conveyance cannot decide such issues. This principle applies to the present case because the petitioners contend the society has no right over their bungalows and land. This requires examination of title documents, sanctioned plans, and contractual obligations. Such questions need evidence and adjudication by a civil court.

3. In view of the above legal position, and because the petitioners challenge the extent of the society's claim, the proper remedy is a civil suit. The civil court can take evidence. The civil court can decide whether the petitioners have exclusive rights. The writ court or the authority for deemed conveyance cannot do this in a summary manner.

4. All contentions of the petitioners are kept open. The petitioners may raise them before the civil court without any

restriction.

5. With this clarification, the writ petition stands disposed of.

(AMIT BORKAR, J.)