

Shabnoor

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

WRIT PETITION NO.506 OF 2026

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Dilip Lalchand Porwal	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

Mr. Ajay Basutkar a/w Ms. Shikha Shah, for the
Petitioner.

Mr. Y. D. Patil, AGP, for the State – Respondent.

Mr. Arun Singh, for Respondent Nos. 3 & 10.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2026

P.C.:

1. In this writ petition, the petitioner claims to be the owner of part of the property purchased in 2024. He challenges an order passed by the Competent Authority under Section 11 of MOFA granting deemed conveyance.
2. The petitioner states that he was not properly served with notice of the deemed conveyance proceedings. He contends the track report on record does not clearly show that notice was served on him.
3. The petitioner also states that the newspapers chosen for publication of notice are not widely circulated. He further contends that the deemed conveyance relates to a property that

did not exist at the relevant time because the survey number came into existence only after the agreement under Section 4 of MOFA. On these grounds, he seeks to set aside the impugned order.

4. The learned advocate for the respondent society relies on the building permission granted by the Gram Panchayat. He points out that Special Civil Suit No. 95 of 2024 is pending between the petitioner and the original owners. In that suit, the Civil Court has already recorded a prima facie finding on identification of the property at the interim stage. He submits that proper steps were taken to serve the opponents in the deemed conveyance proceedings. He contends the opponents avoided appearance. According to him, the Competent Authority was justified in granting deemed conveyance in favour of the society.

5. The respondent society also states that it was registered on 5 February 1998. Despite the long lapse of time, no conveyance was executed in its favour. Rule 19 of the Maharashtra Ownership Flats Rules requires the promoter to execute conveyance within four months from the date of registration of the society.

6. On examining the record, the Competent Authority has clearly recorded that notices were issued to all concerned parties. It also recorded that they were given sufficient opportunity of hearing. Notice was additionally published in newspapers on 20 December 2024. This material shows that the Authority followed the procedure. The petitioner cannot claim that the order was passed without giving him a fair chance to participate.

7. The Competent Authority relied on the Architect's Certificate submitted by the respondent society. The certificate provides a clear description and identification of the property. After going through this certificate, I am satisfied that the deemed conveyance order rests on proper identification of the property. The petitioner's objection about the survey number and his claim that it came into existence after the Section 4 agreement raises issues of title and identification. These issues require evidence. They need oral and documentary proof. Such matters must be decided by a Civil Court in a regular suit.

8. The petitioner has also raised issues about building permissions and their legality. These issues involve disputed facts. They can be raised before the Civil Court by any affected party, including the owner or developer.

9. This Court in *Veer Tower Cooperative Housing Society Limited vs District Deputy Registrar, Cooperative Societies, Mumbai City (4) and others*, 2023 SCC OnLine Bom 324. has followed the same view as in *M/s. Shree Chintamani Builders v. State of Maharashtra & Ors.*, reported in 2016 SCC OnLine Bom 9343 and *Zainul Abedin Yusufali Massawawala & Ors. v. Competent Authority, District Deputy Registrar of Co-operative Housing Societies, Mumbai & Ors.*, reported in 2016 SCC OnLine Bom 6028. The view is that when a society's claim is said to exceed the contract or when disputes of ownership and title arise, the remedy lies before the Civil Court. Applying this settled legal position, there is no ground to interfere with the impugned order under writ jurisdiction.

10. It is clarified that the petitioner may file a civil suit to raise his objections regarding the deemed conveyance order. He may do so as per law. With this clarification, the writ petition is disposed.
11. There shall be no order as to costs.
12. Pending interlocutory application(s), if any, stands disposed of.

(AMIT BORKAR, J.)