

Sayali

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

SAYALI
DEEPAK
UPASANI

WRIT PETITION NO. 1015 OF 2026

Digitally signed by
SAYALI DEEPAK
UPASANI
Date: 2026.01.27
17:31:37 +0530

Nitin Nathuram Thombre

... Petitioner

V/s.

State of Maharashtra and Others

... Respondents

Mr. V. H. Narvekar i/b J. N Jain , for Petitioner.

Mrs. V. R. Raje, AGP, for Respondent Nos. 1 to 3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 27, 2026

P.C.:

1. The Petitioner claims to be a member of respondent no. 4- society. The grievance raised on behalf of the petitioner is that the list annexed along with the deed of conveyance application does not figure the petitioner's name as a member of the society, which affects his right to get the premises at the time of redevelopment of the society.

2. Inclusion of members' names in the list along with the deed of conveyance application cannot be the subject matter of a deemed conveyance application. The scope of deemed conveyance is to ascertain that the rights conferred on purchasers as per Section 4 of the MOFA Act are enforced.

3. If the petitioner's right as a member as alleged by him is affected, the appropriate remedy for the petitioner is to adopt appropriate proceedings under the provisions of the Co-operative Societies Act. Therefore, keeping the contentions raised by the petitioner open to be agitated before the Competent Authority under the MCS Act by instituting appropriate proceedings, the present petition challenging the validity of the deemed conveyance granting deemed conveyance in favour of the society need not be interfered with.

4. The Petition is disposed of.

(AMIT BORKAR, J.)