



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

WRIT PETITION NO.8070 OF 2025

Shree Pushpak Co-operative Housing Society
V/S

....Petitioner

The State of Maharashtra & Ors.

....Respondents

Mr. Vishal Pattabiraman with Mr. Aniket V. Jadhavar *for the Petitioners.*
Ms. Kavita Solunke, Additional GP with Ms. P.J. Gavhane, AGP *for*
Respondent Nos.1 and 2/State.
Mr. Sandeep Mishra *for Respondent Nos.3 to 10.*

CORAM : SANDEEP V. MARNE, J.

DATE : 17 JUNE 2026.

P.C.:

1. The Petitioner-Society faces a unique conundrum on account of which it has filed the present Petition seeking a relief against itself. By the present Petition, Petitioner-Society challenges order of the District Deputy Registrar, Co-operative Societies, Thane and Competent Authority dated 13 October 2014 issuing Certificate of unilateral deemed conveyance in respect of land admeasuring 506.45 square metres alongwith the building constructed thereon. Though Petitioner-Society has acquired ownership in respect of the conveyed land, it is still praying for setting aside the order for deemed conveyance passed in its favour on account of the fact that the some of the original land owners were not impleaded to the Application for deemed conveyance.

2. Petitioner-Society first attempted to correct its error in non-impleadment of all the original owners by filing rectification application before the Competent Authority which was allowed and corrigendum dated 10 November 2023 was issued by the Competent Authority. By order dated 10 November 2023, names of left out owners came to be added in the description of the Respondents in the order dated 13 October 2014.

3. The persons whose names were added to the order dated 13 October 2014 by corrigendum dated 10 November 2023 filed Writ Petition No.15766 of 2023 challenging the corrigendum dated 10 November 2023. By order dated 29 April 2024, this Court set aside the corrigendum dated 10 November 2023 holding that the Competent Authority had become *functus officio* after passing of order dated 13 October 2014 and could not have directed impleadment of additional parties in a disposed of application. However, this Court declared that the original order of deemed conveyance dated 13 October 2014 (erroneously described as 27 May 2015 in paragraph 12 of the order) shall remain unaffected.

4. In the meantime, Petitioner-Society had registered the conveyance in pursuance of certificate of unilateral deemed conveyance dated 13 October 2014. Based on the registered instrument, it attempted to mutate its name to the revenue records. However, it appear that the revenue authorities have raised objection for mutation of the name of the Petitioner-Society *inter alia* on the ground that all the names of

original owners which currently appear in revenue records, are not reflected in the order of deemed conveyance dated 13 October 2014. Faced with the difficulty of its name is not getting mutated to the revenue records on account on non-reflection of all the names of original owners in the order dated 13 October 2014, the Petitioner-Society now seeks a direction for setting aside order dated 13 October 2014 so that it can file a fresh application for deemed conveyance by impleading all the original owners.

5. This Court inquired with the learned counsel appearing for the Respondent Nos.3 to 10 (left out original owners) as to whether they are consenting for setting aside the order dated 13 October 2014. Their learned counsel Mr. Mishra, however, expresses inability to give such consent. It is the stand of Respondent Nos.3 to 10 that the order of deemed conveyance dated 13 October 2014 does not bind on them.

6. Upon a query raised by this Court, Mr. Mishra clarifies that so far Respondent Nos.3 to 10 have not challenged the order dated 13 October 2014 on the ground that the same is passed behind their back.

7. Thus, while the Petitioner-Society is willing to have order dated 13 October 2014 set aside with a view to afford an opportunity of hearing to Respondent Nos.3 to 10, they are not willing to avail the said opportunity. They are opposed to the prayer of the Petitioner-Society for setting aside order dated 13 October 2014.

8. As of now, order dated 13 October 2014 has attained finality. Based on that order, a registered instrument of conveyance has already been registered. The revenue authorities are required to act on the registered instrument for effecting the mutation entries. If the persons whose names are currently reflected in revenue records are objecting to mutation of names of the Petitioner-Society on the ground that the order of deemed conveyance is passed without hearing them, they will have to challenge the said order. However, revenue authorities cannot refuse to mutate the names of the Petitioner-Society only on the ground that all the original owners were not heard while passing order dated 13 October 2014. Without securing a declaration that the order of deemed conveyance dated 13 October 2014 is illegal or not binding on them from a Court of competent jurisdiction, Respondent Nos.3 to 10 cannot oppose mutation of name of Petitioner-Society to revenue records. They cannot blow hot and cold in the same breath. They have declined an opportunity of being heard by opposing Petitioner-Society's prayer for setting aside order dated 13 October 2014. Therefore, they cannot represent before the revenue authorities that the order dated 13 October 2014 is passed without hearing them. At this stage, Mr. Mishra has submitted that his clients are in the process of filing a suit challenging the order of conveyance dated 13 October 2014 as well as the registered instrument executed in pursuance thereof. However, till the order dated 13 October 2014 is set aside by a Court of competent jurisdiction, I do not see any reason why effect cannot be given to the same in the revenue records. In that sense filing of the present Petition is unnecessary. If Respondent Nos.3 to 10 believe that the order dated 13 October 2014 is

illegal, they will have to seek a declaration to that effect. They can either challenge the order dated 13 October 2014 by filing Writ Petition before this Court or they can also file a Civil Suit seeking a declaration of title in respect of conveyed land by challenging the Certificate dated 13 October 2014.

9. Considering the above position, in my view, it is not necessary to set aside order dated 13 October 2014 in Petition filed by the Petitioner-Society. If and when Respondent Nos.3 to 10 raise challenge to the order dated 13 October 2014 and to the registered instrument executed in pursuance thereof, the appropriate Court shall consider such challenge on its own merits.

10. Needless to observe that in the event Respondent Nos.3 to 10 file Civil Suit challenging conveyance of land in favour of the Petitioner-Society, the same shall be decided uninfluenced by observations made in the present order.

11. In view of the above observations, no orders are necessary in the present Petition which is accordingly **disposed of**. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)