

Shabnoor

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

WRIT PETITION NO.10506 OF 2025

**SHABNOOR
AYUB
PATHAN**

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SHABNOOR AYUB
PATHAN
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Universal Cooperative Housing Society
Ltd. Through Secretary & Ors.

... Petitioners

V/s.

The Competent Authority &
District Deputy Registrar
of the Cooperative Societies & Ors.

... Respondents

Mr. Shahzad Naqvi, a/w Ms. Amrin Sayed i/b Naqvi
Juris, for the Petitioner for the Petitioners.

Ms. Savita A. Prabhune, AGP, for the State –
Respondent No.1.

Mr. Dhruv Malhotra, a/w Ms. Chandrakala H Singh, for
the Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 11, 2026

P.C.:

1. The societies which are situated in the same layout as Respondent No. 2 have challenged the order passed by the Competent Authority under Section 11(3) of the Maharashtra Ownership Flats Act, 1963. By the said order, the Competent Authority has directed that an area admeasuring 1490.79 square meters be conveyed. This area represents 36.87% of the total plot area, which measures 4042.49 square meters.

2. The petitioners contend that if such unilateral deemed conveyance is allowed in favour of Respondent No. 2, it will affect

their own rights. According to them, they would lose the opportunity to apply for unilateral deemed conveyance in respect of the land lying beneath the building of their own society along with the surrounding appurtenant area. The petitioners have also raised another grievance. They submit that the sanctioned layout plan shows a recreational ground and certain other common spaces. According to them, these common areas should remain available for the benefit of all societies in the layout and should not be affected by the grant of conveyance.

3. When the sanctioned plan is examined, it shows that the plan was approved for construction of two wings, namely Wing A and Wing B. Wing B is the building which has now formed Respondent No. 2 Society. On the other hand, Wing A consists of the flat owners who have formed the Petitioners Societies.

4. A further look at the sanctioned plan shows the position of the built-up area within the entire layout. The total built-up area of the layout, which includes the buildings of the Petitioners Societies as well as Respondent No. 2 Society, comes to 5402.51 square meters. Out of this total built-up area, the building of Respondent No. 2 Society occupies 1992.35 square meters as per the sanctioned plan. The buildings of the Petitioners Societies together occupy a built-up area of 846 square meters. The other buildings in the layout occupy the remaining portion of the built-up area. In this background, when the total built-up area of 5402.51 square meters is considered and the proportion of the built-up area of Respondent No. 2 Society is calculated, the share works out to 36.87%. As per the Government Resolution dated 22 June 2018,

the entitlement of a society for deemed conveyance has to be worked out on such proportionate basis. Therefore, on this calculation, Respondent No. 2 Society becomes entitled to land area measuring 1490.79 square meters.

5. Insofar as the second grievance of the petitioners is concerned, namely the recreational ground and other common areas shown in the sanctioned plan, the impugned order itself makes the position clear. It records that Respondent No. 2 Society has not been granted exclusive ownership over such areas. What has been granted is only an undivided proportionate share in those common areas. These areas shall continue to remain common and shall be available for the use of all the societies situated in the layout.

6. In view of the above clarification and considering the position emerging from the sanctioned plan as well as the Government Resolution dated 22 June 2018, no further interference is called for.

7. The Writ Petition therefore stands disposed of. There shall be no order as to costs.

(AMIT BORKAR, J.)