

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15320 OF 2025

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Payal Chandrashekhar Jukar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.910 OF 2026
IN
WRIT PETITION NO.15320 OF 2025

Payal Chandrashekhar Jukar ... Applicant
In the matter between
Payal Chandrashekhar Jukar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Rohit Kurmi, for the Petitioner.

Mr. Ashish Jagiasi a/w Minal Chandnani, for the
Respondent No.3.

Ms. Mamta S. Srivastava, AGP, for the State –
Respondent Nos.1 & 2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 2, 2026

P.C.:

1. The petitioner claims to be the owner of the property in respect of which the Competent Authority, in exercise of powers under Section 11(3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (“MOFA”), has passed an order of deemed

conveyance. The petitioner contends that the impugned deemed conveyance order dated 18 May 1982 has been passed without granting an adequate opportunity of hearing to the petitioner.

2. However, learned Advocate appearing for the respondent society pointed out that the petitioner has already executed a registered sale deed in respect of the subject property in favour of a company, which in turn has executed a development agreement in favour of a developer. Merely because a mutation entry has not been effected, the petitioner cannot claim subsisting ownership or consequential enforceable rights in respect of the subject property. Once the petitioner has transferred all its right, title, and interest in the property as far back as in the year 1982, the petitioner cannot be permitted to enforce any rights in the present petition so as to challenge the order of deemed conveyance in respect of flats sold by the promoter through the transferee of the petitioner.

3. Hence, there is no merit in the present petition. The petition is accordingly dismissed. No costs.

4. In view of the above, the interim application does not survive and stands disposed of.

(AMIT BORKAR, J.)