

MPBalekar

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

WRIT PETITION NO. 3378 OF 2026

Vastu Heights Co-operative
Housing Society Ltd. ... Petitioner
V/s.
District Deputy Registrar Co-operative
Society and Ors ... Respondents

Mr. Y. Singh a/w M. Rani i/by One Point Legal
Solution for the petitioner.

Mrs. A.A. Puray, AGP, for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 17, 2026

P.C.:

1. The challenge in the present writ petition arises from an order dated 4 June 2014 passed by the Competent Authority while exercising powers under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963. By the said order, the Competent Authority granted deemed conveyance in favour of Respondent No. 4. It is this order which the petitioner seeks to challenge in the present writ petition.

2. The present writ petition has been filed by the petitioner on 17 January 2026. The record therefore clearly shows that the order under challenge was passed on 4 June 2014, whereas the writ petition questioning the said order has been instituted after a

period of almost twelve years. The time gap between the passing of the impugned order and the filing of the writ petition is therefore substantial. When a party approaches this Court under its writ jurisdiction, the Court is expected to examine whether the challenge has been raised within a reasonable period of time.

3. In view of this delay, I have carefully perused the explanation offered by the petitioner for the delay in filing the present petition. The explanation is contained in paragraph No. 6 of the writ petition. According to the petitioner, the delay occurred due to a change in the Managing Committee of the society and due to differing views among the members of the committee regarding the course of action to be adopted. It is stated that because of such internal differences and changes in management, the decision to challenge the order could not be taken earlier. However, such an explanation cannot be accepted as a sufficient ground to entertain a writ petition after a lapse of nearly twelve years. Internal differences within a society or changes in its managing body are matters relating to its own internal administration. Such circumstances cannot indefinitely postpone the exercise of legal remedies against orders passed by statutory authorities. If such explanations are accepted, the limitation of reasonable time in invoking writ jurisdiction would lose its meaning.

4. At the same time, it must also be noticed that the grievance raised by the petitioner relates to statutory rights arising under the provisions of the Maharashtra Ownership Flats Act. The Act casts certain obligations upon the promoter regarding transfer of title and conveyance of the property. Questions relating to such

statutory obligations and the rights of parties arising out of them can also be examined by a competent civil court. Therefore, although this Court is not inclined to exercise its writ jurisdiction after such an inordinate delay, the petitioner cannot be completely deprived of pursuing remedies available in ordinary civil law. For this reason, it would be appropriate to leave it open to the petitioner to institute a civil suit seeking enforcement of any statutory obligation alleged to have been breached by the promoter. All questions raised in the present writ petition are therefore kept open to be agitated in appropriate proceedings.

5. With these observations, the present writ petition is disposed of.

6. It is clarified that the petitioner shall remain at liberty to adopt such remedies as may be permissible and advisable in law. All rights and contentions of the parties are therefore left open to be pursued in appropriate proceedings before the competent forum.

(AMIT BORKAR, J.)