



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

WRIT PETITION NO.6981 OF 2026

Jatin Babubhai Shah & Ors.

....Petitioners

V/S

The District Deputy Registrar (4)

Co-operative Societies Mumbai City & Ors.

....Respondents

**WITH
INTERIM APPLICATION (STAMP) NO.15019 OF 2026
IN
WRIT PETITION NO.6981 OF 2026**

Jatin Babubhai Shah & Ors.

....Applicants

V/S

The District Deputy Registrar (4)

Co-operative Societies Mumbai City & Ors.

....Respondents

Mr. Meet R. Shah with Ms. Janvi V. Sheta with Ms. Kiran R. Shah *for the Petitioners/Applicants.*

Ms. Ashwini A. Purav, AGP *for Respondent/State.*

Mr. Chirag M. Unodkat *for Respondent No.6.*

Ms. Fatima Barodawalla (through video conferencing) *for Respondent No.8.*

CORAM : SANDEEP V. MARNE, J.

DATE : 17 JUNE 2026.

P.C.:

1. By this Petition, Petitioners have challenged order dated 27 November 2025 passed by District Deputy Registrar, Co-operative Societies, Mumbai City-4 and Competent Authority granting Certificate of unilateral deemed conveyance in favour of Respondent No.6-Society.

2. I have heard the learned counsel appearing for parties and have considered submissions canvassed by them.

3. The learned counsel for Respondent No.8 raises preliminary objection to maintainability of the Petition. She submits that the Petitioners have filed S.C. Suit No.4749 of 2026 before City Civil Court, Mumbai. My attention is invited to the prayers in the said suit. The Plaintiff therein has sought a declaration that certificate of deemed conveyance dated 27 November 2025 issued by the Competent Authority is illegal, invalid and *void ab initio*. Having questioned correctness of the certificate of deemed conveyance in a suit, Petitioners could not have filed the present Petition. The present Petition is thus not maintainable and deserves to be dismissed.

4. Even if the objection of maintainability is to be momentarily ignored, otherwise also I do not find any error in the order of deemed conveyance passed by the Competent Authority. The certificate of deemed conveyance is sought to be challenged on the ground that the Petitioners are owners of 88 units situated from ground to third floor of the building whereas the Society is formed by occupiers of units situated from four to seventh floors of the very same building. It is Petitioners contention that in accordance with the Government Resolution dated 22 June 2018, there needs to be a proportionate land division by taking into consideration built-up area of units in ownership of the Petitioners and built-up area of units for which the Society is formed. The principle of land division proportionate to built-up area utilized in each building can

be made applicable only when there are multiple buildings in layout. The said principle has no application where Society is formed in respect of part of the building.

5. My attention is also invited to the relevant clause of the Agreement for Sale executed under Section 4 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (**MOFA**) under which the Petitioners have agreed to become members *qua* the units in their occupation after formation of the Society. Thus, Petitioners/owners of 88 units can become members of the Respondent No.6-Society so as to secure proportionate right in the conveyed land. I therefore, do not find any valid reason to interfere in the impugned order dated 27 November 2025. Writ Petition is accordingly **dismissed**. However, the pending Suit shall be decided by the City Civil Court uninfluenced by the observations made in the order.

6. In view of disposal of the Writ Petition, pending Interim Application does not survive and the same is also accordingly **disposed of**.

(SANDEEP V. MARNE, J.)