



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7149 OF 2026

Shree Santpati Shivanarayan ...Petitioner
Gurudham Trust

V/s.

The State Of Maharashtra Through ...Respondents
Ministry Of Co-Operative Affairs, and
Ors.

Mr. Karan Jain *for Petitioner.*

Mr. V. G. Badgujar, *AGP for Respondent Nos. 1 and 2/State.*

Mr. Tushar Gujjar *with Mr. Deepak Singh i/b SL Partners for Respondent No. 3.*

CORAM: SANDEEP V. MARNE, J.

DATED: 09 JUNE 2026.

P.C.:

1) By this Petition, Petitioner challenges Roznama of the District Deputy Registrar, Co-operative Societies (3) Mumbai and Competent Authority (**Competent Authority**) dated 27 April 2026, by which the Competent Authority has apparently reopened the proceedings relating to Application No. 80 of 2025.

2) The learned AGP has placed on record copy of the interim order dated 1 June 2026, by which a proper order is passed by the Competent Authority restoring Application No. 80 of 2025. Leave is

granted to amend the Petition so as to incorporate challenge to order dated 1 June 2026. Amendment to be carried out forthwith.

3) The limited grievance raised by the Petitioner-Trust in the present petition is to the manner in which the Competent Authority has exercised its jurisdiction. It appears that the Respondent-Society filed Application No. 80 of 2025 seeking deemed conveyance under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963. The Petitioner-Trust brought to the notice of the Competent Authority that the Respondent-Society had already filed S. C. Suit No. 5509 of 2006 before City Civil Court at Dindoshi seeking prayer for conveyance of land in favour of the Society. The Petitioner-Trust accordingly sought dismissal of Application for deemed conveyance. On 2 December 2025, the Petitioner-Trust produced copy of the plaint in S. C. Suit No. 5509 of 2006 before the Competent Authority. The Competent Authority took note of pendency of the Suit and recorded Roznama on 2 December 2025, which reads thus:-

अर्जदार संस्थेतर्फे कोणीही उपस्थित नाही.

प्र. क्र. १ तर्फे अॅड रसिका अजेराव हजर

प्र क्र. २ तर्फे अॅड करण जैन, तसेच श्री. महेंद्र जयस्वाल, ट्रस्टी हजर.

प्र. क्र. १ तर्फे अर्जदारांनी मा. सिटी सिव्हील कोर्ट, दिंडोशी, येथे दाखल केलेला (अर्ज मागे घेण्याबाबत)

दाव्याची प्रत दाखल केली.

मुळ दाव्याची प्रत ज्यामध्ये, D.C बाबत मा. न्यायालयाला विनंती केलेली आहे. तो Record वर आहे.

अंतर्गत संस्थेने, तीच मागणी उभेपण केलेली आहे.

मा. न्यायालयाचा अंतिम निकाल लागल्यानंतर

अर्जदार संस्थेने, आवश्यक असल्यास

या प्राधिकरणाकडे नव्याने अर्ज दाखल करावा.

4) This Court is disturbed by the manner in which the Competent Authority has exercised the jurisdiction while dealing with Application No. 80 of 2025. Once an Application for deemed conveyance is filed, the Competent Authority exercising *quasi judicial* authority needs to pass a proper order on that Application. It appears that the Competent Authority failed to pass a proper order on 2 December 2025 and merely recorded a hand written Roznama observing that the Respondent-Society was seeking same prayer, which was sought in the pending suit. The Competent Authority accordingly directed that after final disposal of the suit, the society can file fresh application if required. However, while observing so, the Competent Authority did not specifically direct that Application No. 80 of 2025 was either rejected or closed. However, the fact that Respondent-Society was granted liberty to file fresh Application for deemed conveyance, it necessary follows that Application No. 80 of 2025 was closed/rejected by the Competent Authority.

5) It appears that the society thereafter withdrew Suit No. 5509 of 2006 and filed Application before Competent Authority on 1 April 2026 seeking restoration of Application No. 80 of 2025. By Roznama dated 27 April 2026 and order dated 1 June 2026, the Competent Authority has restored Application No. 80 of 2025. Once Application No. 80 of 2025 was rejected/closed by order dated 2 December 2025, the Competent Authority had become *functus officio*. It did not have jurisdiction to reopen the proceedings. It has been repeatedly held by this Court that the Competent Authority does not have power to review its own orders. Reference in this regard can be made to the judgments of

this Court in *Swastik Chambers Owners' Cooperative Society Limited V/s The Competent Authority and District Deputy Registrar, Coop. Societies (II)*,¹ and *Magnum Unit 'A' CHS Limited V/s The State of Maharashtra*².

6) More importantly, the Apex Court in *Faime Makers (P) Ltd. V/s Coop. Societies*,³ has frowned upon entertaining repeated Applications for deemed conveyance after rejection of the earlier Application. Now, it is well settled position that findings of a *quasi judicial authority* cannot be reopened in collateral manner or in a second round between the same parties.

7) Applying the above principles to the present case, it is seen that once the Competent Authority granted liberty to the Respondent-Society to file a fresh Application for deemed conveyance after disposal of the Suit, the Society could not have applied for reopening of the old proceedings. In my view therefore, exercise of jurisdiction by the Competent Authority for reopening the closed proceedings vide decisions dated 27 April 2026 and 1 June 2026 is clearly erroneous.

8) In fact, the manner in which the Competent Authority has exercised the jurisdiction has created difficulties for both the rival parties. Since the Competent Authority did not pass proper reasoned order on 2 December 2025 rejecting Application No. 80 of 2025, impression got created in the mind of the Respondent-society as if the proceedings still remained pending before the Competent Authority. The

1 Writ Petition No. 13274 of 2025 decided on 1 April 2026

2 Writ Petition No. 11328 of 2023 decided on 24 February 2026

3 (2025) 5 SCC 772

Competent Authority added premium to the error already committed by it by reopening the proceedings by entertaining Society's Application when in fact it had already become *functus officio* after passing of order dated 2 December 2025. Restoring the Application No. 80 of 2025 actually amounts to reviewing decision dated 2 December 2025. By that decision, the Competent Authority had directed the Respondent-Society to file a fresh Application after dismissal of the Suit. The said decision of the Competent Authority is reviewed on 27 April 2026/1 June 2026 by reopening the disposed of Application rather than making the Society to file a fresh Application. The Competent Authority obviously did not have power of reviewing its own decision. This is yet another ground why the impugned order directing reopening of closed proceedings cannot be sustained.

9) Consequently, the Petition succeeds and I proceed to pass the following order:

- (i) The decisions of the Competent Authority dated 27 April 2026 and 1 June 2026 in Application No. 80 of 2025 are set aside.
- (ii) The Respondent-Society shall however be at liberty to file a fresh Application for deemed conveyance citing in accordance with the liberty granted in the decision 2 December 2025. If such application is filed by the Society, the Competent Authority shall accord due priority to the same and decide the same as expeditiously as possible.

(iii) All rights and contentions of the parties on merits are expressly kept open to be agitated before the Competent Authority.

10) With the above directions, the Petition is **disposed of**.

[SANDEEP V. MARNE, J.]