

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7457 of 2026

Sealink Construction Company Private
Limited

...Petitioner

V/s.

Competent Authority and District
Deputy Registrar, Co-operative
Societies, Palghar

...Respondent

Mr. Vishal Kanade with Mr. Bharatkumar Jain and Mr. Raj Adhia i/b
Economic Law Practice *for the Petitioner.*

Mrs. Mamta S. Srivastava, AGP for Respondent No.1/State.

Mr. Rammani Upadhyay with Mr. Matthew John for Respondent No.2

CORAM: SANDEEP V. MARNE, J.

DATED: 16 June 2026.

P.C.:

1) The Petition challenges order dated 18 February 2026 passed by the District Deputy Registrar, Co-operative Societies, Palghar and Competent Authority (**Competent Authority**) issuing Certificate of unilateral deemed conveyance of land admeasuring 13484.09 sq.mtrs. out of total land admeasuring 33,930 sq.mtrs. in favour of Respondent No.2-Society.

2) I have heard Mr. Kanade, the learned counsel appearing for the Petitioner and Mr. Upadhyay, the learned counsel appearing for Respondent No.2-Association.

3) It appears that the Competent Authority has taken into consideration Certificate of the Architect dated 11 March 2025 for determining Society's land entitlement at 13484.09 sq.mtrs.. However, perusal of the Certificate dated 11 March 2025 indicates that the Architect did not even bother to take into consideration the sanctioned plans on the basis of which the buildings of the Second Respondent-Association are constructed. In the layout development, when deemed conveyance is sought in respect of part of the land in the layout before completion of layout development, the Competent Authority needs to determine proportionate share of the Societies in the layout in relation to built-up area (**BUA**) utilized for construction of Society's buildings. This is also contemplated in the Government Resolution dated 22 June 2018.

4) However, perusal of the Architect Certificate dated 11 March 2025 would indicate that the Architect has not carried out the exercise of determining the land entitlement of Respondent No.2-Association corresponding to built-up area used for construction of its buildings. The Architect has merely surveyed and measured the land physically in occupation of Respondent No.2-Association on account of construction of boundary wall by the Petitioner. Conveyance cannot be granted on the basis of physical occupation of land by a Society without taking into

consideration the entitlement corresponding to the BUA used in construction of the building. It appears that the Competent Authority itself is aware about possible complications after construction of other buildings in the layout and has accordingly observed in para-6 of the impugned order that in the event of establishment of any other rights in future, there shall be corresponding reduction in the land entitlement of Respondent No.2-Association. In my view therefore, the application of the Association needs to be remanded before the Competent Authority for fresh adjudication, who shall proceed to determine the land entitlement of Respondent No.2-Association corresponding to BUA utilized for construction of buildings of the Association. For that purpose, the Competent Authority would call for architect's certificates from the parties. In the event of lack of clarity in the certificates submitted by the rival parties, it would also be open for the Competent Authority to appoint an architect from its panel for procurement of the necessary details.

5) The Petition accordingly succeeds in part and I proceed to pass the following Order:

- (i) The impugned order dated 18 February 2026 passed by the Competent Authority is set aside.
- (ii) The application made by Respondent No.2-Association and by its constituent Societies is remanded for fresh decision by the Competent Authority.
- (iii) Both the sides would be at liberty to rely upon their own Architect's Certificate before the Competent Authority. Such

Certificate must reflect entitlement of Respondent No.2-Association in the layout land corresponding to BUA utilized in construction of buildings of 6 of the Association.

- (iv) Needless to clarify that the Architects shall determine the land entitlement of Respondent No.2-Association by taking into consideration the sanctioned plans based on which the buildings of Respondent No.1 are constructed and not the revised plans.
- (v) The remanded proceedings shall be decided by the Competent Authority as expeditiously as possible, preferably within a period of 6 months.
- (vi) Parties shall appear before the Competent Authority on 29 June 2026 alongwith copy of this order downloaded from the website of this Court and obtain further directions for fixation of date(s) of hearing.
- (vii) All rights and contentions of the parties on merits are expressly kept open.

6) Writ Petition is partly allowed in above terms. There shall be order as to costs.

[SANDEEP V. MARNE, J.]