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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.723 OF 2025

VAIBHAV RAMESH JADHAV
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Jaydeep Developers, Through Its Partners … Petitioner

V/s.

Competent Authority & District Deputy Registrar Cooperative Societies & Ors. … Respondents

Mr. Firoz Bharucha with Minal Parab and Shrinidhi Suryavanshi for the petitioners.

Mr. Ketan Joshi, 'B' Panel advocate for the respondent-State.

Mr. Bhavik Manek with Mukesh Gupta i/by M/s. Solicis Lex for respondent No.2.

Ms. Rishika A. Jain i/by Fox Mandal and Associates LLP for respondent No.3.

Mr. Siddhesh Rajput with Niket Dalal i/by Himanshu Vidhani for respondent No.4.

Mr. Sanjay T. Manek for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2025

P.C.:

1. The present writ petition has been instituted under Articles 226 and 227 of the Constitution of India, assailing the legality, validity, and propriety of the order dated 21st March 2017 passed by the competent authority under the provisions of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as "MOFA"). By the said order, the

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competent authority has conferred deemed conveyance in favour of respondent No.2-Society. The petitioner, being aggrieved by the said order, has approached this Court invoking its extraordinary writ jurisdiction.

2. The principal contention raised by the petitioner is that he has acquired rights in relation to a portion of the subject property, which has been conveyed in favour of respondent No.2-Society by virtue of the impugned order. The foundation of the petitioner's claim is premised on the deed of assignment executed in his favour on 29th March 2018. It is pertinent to note that the impugned order conferring deemed conveyance was passed prior to the execution of the said deed, i.e., on 21st March 2017. Therefore, whatever rights have accrued to the petitioner emanate from a subsequent transaction, which took place post the passing of the impugned order.

3. The petitioner has sought to explain the delay and laches in approaching this Court by asserting that he had initially filed an application seeking intervention in a connected petition challenging the conferment of deemed conveyance. However, the said application was subsequently withdrawn with liberty to file the present writ petition. The petitioner, thus, contends that his rights and interests were in due course sought to be protected, and the delay, if any, should not be viewed as fatal to the maintainability of the present petition.

4. Upon a meticulous perusal of the record, it transpires that the interim application for intervention was filed only in the year

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2024 and was withdrawn on 12th December 2024. Even assuming that the said period is to be excluded for the purpose of computing laches, it remains unexplained as to why the petitioner did not challenge the impugned order for a substantial period from 21st March 2017 onwards. It is further evident that although the petitioner claims to have acquired rights in a portion of the property pursuant to the deed of assignment dated 29th March 2018, there is a complete lack of justification for not approaching this Court at an earlier juncture. The present petition has only been instituted in 2024, reflecting an inordinate and unexplained delay of several years. The doctrine of laches is a well-settled principle in writ jurisprudence, which mandates that a person seeking relief under Article 226 of the Constitution of India must do so with due diligence and without undue delay. The unexplained and prolonged delay on the part of the petitioner, therefore, disentitles him to any relief in the present proceedings.

5. In view of the aforesaid factual matrix and legal position, this Court is of the considered view that the present writ petition is not entertainable, as the petitioner has grossly failed to provide any plausible explanation for the laches in filing the same. The settled position of law enunciated by the Hon'ble Supreme Court as well as various High Courts dictates that delay and laches, particularly in matters involving challenge to orders affecting property rights, must be convincingly explained. The failure to do so renders the petition liable to be dismissed at the threshold.

6. Consequently, the writ petition stands dismissed for lack of due diligence and unexplained laches. There shall be no order as

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to costs.

7. Pending interlocutory application(s), if any, stand disposed of accordingly.

(AMIT BORKAR, J.)

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