

Shabnoor

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

WRIT PETITION NO.15622 OF 2025

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M/s. Byramjee Jeejeebhoy Pvt. Ltd.	...	Petitioner
V/s.		
Star Vaishali Cooperative Housing Society Limited & Ors.	...	Respondents

**WITH
WRIT PETITION NO.16004 OF 2025**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	...	Petitioner
V/s.		
Unity Cooperative Housing Society Limited & Ors.	...	Respondents

**WITH
WRIT PETITION NO.2205 OF 2023**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	...	Petitioner
V/s.		
Sharyu Cooperative Housing Society Limited & Ors.	...	Respondents

**WITH
WRIT PETITION NO.16900 OF 2025**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	...	Petitioner
V/s.		
Yogi Vaishali Cooperative Housing Society Limited & Ors.	...	Respondents

**WITH
WRIT PETITION NO.29535 OF 2019**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	...	Petitioner
V/s.		
Satyam Shivam Cooperative	...	Respondents

Housing Society Limited & Ors.

**WITH
WRIT PETITION NO.29537 OF 2019**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Gokhul Vaishali Cooperative	
Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.16075 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Saraswati Vaishali Cooperative	
Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.12734 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Vrandhavan Vaishali Cooperative	
Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.14291 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Gomti Vaishali Cooperative	
Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.13934 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Firdous-E-Vaishali	
Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.13932 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Snehal Vaishali Cooperative Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.4707 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Vaishali Cooperative Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.12738 OF 2022**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Kiran Vaishali Cooperative Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.1715 OF 2021**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Ganga Vaishali Cooperative Housing Society Limited & Ors.	... Respondents

**WITH
WRIT PETITION NO.29524 OF 2019**

M/s. Byramjee Jeejeebhoy Pvt. Ltd.	... Petitioner
V/s.	
Sumit Vaishali Cooperative Housing Society Limited & Ors.	... Respondents

Mr. Mandar Bagakar i/b Chetan Patil, for the Petitioner.

Ms. Pooja Patil, AGP, for the State – Respondent No.19.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 14, 2026

ORAL JUDGMENT:

1. Except Writ Petition No.15622 of 2025, the remaining matters were not listed. I directed the remaining petitions be placed on board.

2. All these petitions arise from the same set of facts and raise similar issues of law. I find it appropriate to decide all of them by this common judgment.

3. The petitioners' Advocate points out the judgment of this Court in Writ Petition No.2205 of 2023. That matter involved similar facts. He submits that these petitions can be decided in the same manner. I find merit in this submission. I therefore pass the following order.

4. The challenge in the present petitions is to the grant of deemed conveyance by Respondent No. 18. The order granting deemed conveyance was passed on 24th June, 2019, and the conveyance deed has thereafter been duly registered in favour of the respondent-society. The contentions raised by the learned counsel for the petitioners, based on clauses of the agreement, cannot be accepted, as the parties cannot contract out of statutory

obligations imposed under the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963. The issues regarding registration or stamping of the agreement and the contention that construction of the entire layout is pending stand sufficiently answered by the Government Resolution dated 22nd June, 2018. The Competent Authority has duly considered all relevant factors while granting deemed conveyance.

5. In exercise of powers under Article 227 of the Constitution of India, this Court is not inclined to entertain the present petitions. It is open to the petitioners to institute an appropriate civil suit seeking adjudication of their right, title, and interest in the property, as settled by a catena of decisions.

6. In light of above, all the Petitions stand disposed of with liberty to the Petitioners to adopt appropriate remedy by filing civil suit if so advised.

7. All right and contentions of all parties are expressly kept open.

8. In event civil suit is filed, Civil Court to decide the same on its own merits and uninfluenced by the fact that deemed conveyance is granted in favour of the Respondent-society.

9. All petitions stand disposed of with the said liberty.

(AMIT BORKAR, J.)