

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1091 OF 2026
IN
WRIT PETITION NO.15696 OF 2022
AND
INTERIM APPLICATION NO.1092 OF 2026
IN
WRIT PETITION NO.15698 OF 2022

Abhiman Associates & Anr.	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

Mr. Pranjal M. Khatavkar for the applicants/petitioners.
Mr. Mandar Bagkar for respondent No.3.
Dr. Dhruvi Kapadia, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 9, 2026

P.C.:

Interim Application Nos.1091 OF 2026 & 1092 of 2026:

1. For the reasons stated therein, both the interim applications are allowed in terms of prayer clause (a).
2. Writ Petition Nos.15696 of 2022 and 15698 of 2022 are restored to file.

Writ Petition Nos.15696 of 2022 & 15698 of 2022:

3. The writ petitions are filed by the developer challenging order of deemed conveyance under Section 11(3) of the Maharashtra Ownership of Flats Act, 1963.

4. The petitioner has raised several grounds. However, in view of the consistent view taken by this Court in cases of *Shimmering Heights CHS Ltd & Ors. vs. State of Maharashtra* (Writ petition No.3129 of 2016, decided on 6 April 2016), *Zainul Abedin Yusufali Massawalla & Ors. vs. Competent Authority, District Deputy Registrar of Cooperative Housing Societies, Mumbai & Ors*, 2016 SCC OnLine Bom 6028, and *PR. Enterprises & Anr. vs. Competent Authority & Anr.* (Writ Petition No.1125 of 2016, decided on 27 November 2018), learned Advocate for the petitioner seeks permission to withdraw the writ petitions with liberty to file civil suits.

5. Both the writ petitions are disposed of as withdrawn with liberty as prayed for.

6. It is made clear that this Court has not considered the contentions raised by the petitioners on merits. It shall be open for the petitioners to raise all such contentions in civil suit.

7. The time spent in prosecuting the writ petitions shall be excluded while calculating limitation in filing suit under Section 14 of the Limitation Act.

8. At this stage, learned Advocate for the petitioners submits that this Court by order dated 2 February 2023 granted ad-interim

relief, which is continued from time to time. He, therefore, prayed for extension of ad-interim relief.

9. Learned Advocate for respondent No.4 objected for continuing the ad-interim relief. However, considering the fact that the ad-interim relief was in force for considerable period, same is continued for a period of four weeks from today.

(AMIT BORKAR, J.)