

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**REVIEW PETITION NO. 44 OF 2013
IN
WRIT PETITION NO. 1476 OF 2012**

M/s. Toshee Builders and Ors.	}	Petitioners
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Kapil Moya with Ms. Leena Mirasee
and Ms. Tanmayee Salekar i/b. M/s. Shah
and Sanghavi for the petitioners.

Mr. Upadhyay-AGP for State.

Mr. Satish Upadhyay with Ms. Kavita
Anchan i/b. M/s. M. V. Kini and Co. for
respondent nos. 4 and 5.

**CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.**

DATED :- DECEMBER 15, 2017

P.C. :-

1. Having heard the learned counsel appearing for the review petitioners and perusing the order under review, we do not think that in review jurisdiction we can take note of an argument based on some policy, copy of which is at page 32 of the paper book. We have dismissed the petition essentially on the ground that the petitioner has no right, title and interest in the land/property that stood vested in the State upon acquisition. The acquisition also is

complete way back in 1986. If, at the relevant time, any beneficial policy of the Municipal Corporation was not availed of by the petitioner, then, after having lost the right, title and interest in the property all the more the benefit of the same cannot be extended in review jurisdiction.

2. The review petition is entirely misconceived and it is dismissed.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)