

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2552 OF 2025

Vineeta Educational Society. ... Petitioner.

V/s.

The Kalyan Dombivali Municipal
Corporation & Ors. ... Respondents.

Mr. J.S. Kini a/w. Mr. Aum Kini i/b. Ms. Sapna Krishnappa, Advocate
for Petitioner.

Mr. Sandeep D. Shinde, Advocate for Respondent Nos. 1 and 2.

Mr. Manan K. Shah, Advocate for Respondent No. 3.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 20th NOVEMBER, 2025

P.C. :

1. The Petitioner submits before us that the property bearing Survey No. 75/1/E, Old Survey No. 75/1/1 admeasuring 1 Hectre 04 R, behind Santosh Darshan Building, Ambikanagar, Gogras Wadi, Dombivali East, Taluka Kalyan, District Thane 421201, was purchased when there was a residence already constructed on the adjacent plot. The Petitioner contends that the plot has been purchased by the Petitioner for the purpose of a school. The third Respondent is the

alleged to be the person who has the residence on the same survey number admeasuring the same size of land.

2. Apparently, this is a dispute between the two private parties, viz. the Petitioner Society and the Respondent No. 3 individual. Whether the construction is an encroachment or an illegal construction, the size of the construction, whether it is constructed before the Petitioner purchased the plot or the plot was purchased by the Petitioner knowing fully well that a residence structure stands on the plot, whether the structure can be demolished by branding it as an encroachment, whether the possession of the Petitioner can be restored on the said plot, etc. are aspects which have to be proved by leading oral and documentary evidence. The dispute of such nature between two private parties will have to be taken to the Civil Court and the right, title and interest in the property, will have to be proved by the Plaintiff.

3. The learned Advocate for the Petitioner submits that the Corporation may be called upon to decide its representation.

4. The learned Advocate for the Petitioner is unable to state under which provision of law was the representation tendered and

whether the Corporation can decide the right, title and interest between the two private parties on disputed facts.

5. We had called upon the learned Advocate for the Petitioner to take instructions as to whether he desires to withdraw this Petition and approach the Civil Court, his reply was that this Petition may be decided.

6. In view of the above, **this Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)