

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

WRIT PETITION NO. 6867 OF 2025

Rohan Garima CHS Ltd. Throu.
Chairman And Sec.

... Petitioner

Versus

The State Of Maharashtra
Throu. Principal Sec. Dept of
Urban Development And Ors.

... Respondents

Mr. Sanjay Koban, for the Petitioner.

Mr. A.I. Patel, Additional GP a/w Ms. Priyanka Chavan, AGP for
Respondent Nos.1 to 3 - State.

Mr. Abhijeet Kulkarni a/w Gaurav Shahane, Sweta Shah, Abhishek Roy,
Advocate for Respondent Nos.4 & 5.

Mr. Nikhil Adkine i/b R. B. Jagtap, for Respondent No.6.

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

DATE : 9th SEPTEMBER, 2025

P.C. :

1. We have considered the submissions of the learned
Advocates for the Petitioner and Respondent No.6, and the learned AGP
for the State.

2. We are not entertaining this Petition in view of the fact that
a civil dispute with regard to purported encroachment on the Petitioner's
private land by Respondent No. 6, is brought to this Court, instead of

approaching the Civil Court for joint measurement of properties, demarcation of boundaries and identification of the shares of the Plaintiffs and Defendants.

3. However, the learned AGP informs that notice for measurement of the land of the Petitioner is scheduled on 14/10/2025 at 9.30 a.m. The land to be measured belongs to the Petitioner society. We are aware that it is trite that in the matters of disputes between adjacent landowners, a joint measurement of the properties is the established norm. Respondent no. 6 has to, therefore, co-operate for the joint measurement of the lands of both these parties.

4. The learned Advocate for Respondent No.6 submits that an application for a joint measurement of its land along with the land of the Petitioner, shall be made within ten days from today. We direct that Respondent No.6 shall deposit its share of the measurement charges to the extent of its land, on or before 15/09/2025, keeping in view that the Petitioner has already deposited Rs.2,58,000/- and Rs.24,000/-, for the measurement of its land.

5. If such application is not made or if the measurement fees

are not deposited, Respondent No.6 will lose its right to raise any objection to the measurement of the Petitioner's land which takes place on 14/10/2025 in view of the fees that the Petitioner has already deposited. In such circumstances, Respondent No.6 will have to suffer the consequences. If Respondent No.6 abides by the above directions, makes an application and deposits the fees, the joint measurement of the lands of the Petitioner and Respondent No.6 shall be conducted at 9.30 a.m. on 14/10/2025. Further notices to these two parties are dispensed with.

6. With the above directions, **the Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)