

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11841 OF 2025

Zulfikar Kasam Momin

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.Praddep J.Thorat with Ms.Aditi Naikare, Advocate for Petitioner.

Ms.Savita A.Prabhune, AGP for Respondent no.1 State.

Mr.J.M.Joshi, Advocate for Respondent no.3.

Mr.Santosh More, Advocate for Respondent nos.4, 6 and 8.

Mr.Vaibhav A.Singh, Advocate for Respondent no.9

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 12th September 2025

P.C.

1. This petition is filed under Article 226 of the Constitution of India
praying for the following substantive relief :-

“(a) That this Hon’ble Court be pleased to issue an appropriate Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent nos.1 to 3 to carry out measurement of the said property in a time bound manner with the assistance of Police if necessary, in view of the various applications filed by the Petitioner.”

2. The Petitioner is primarily aggrieved by the inaction on the part of Respondent nos.1 to 3 to carry out measurements of the property bearing Survey No.88 (part) and 82 (part), corresponding to CTS Nos.470 (pt), 471 to 477, 477/1, 468/1 to 468/10, 465 (pt) and 531 (pt), and after amalgamation renumbered as CTS Nos.468A to 468E admeasuring 36,506.99 sq.meters of

village Nahur, Taluka Mulund, District Mumbai Suburban (hereinafter referred to as the 'said property'). It is the Petitioner's contention that in view of the discrepancy in the Property Card (PR Card) of the said property, the Petitioner submitted an application to the District Superintendent of Land Records, Mumbai Suburban District for correction in the PR card. Pursuant to the said application it is the Petitioner's grievance that he has from time to time approached various authorities for the measurement of the said property. On 18th June 2025 the City Survey Officer, Mulund informed the Petitioner that his application for measurement is disposed of without carrying out the measurements. The Petitioner at all material times made payments to various authorities for carrying out the said measurement, however, no action in respect thereof has been taken so far. The Petitioner after receipt of the letter dated 18th June 2025 from the City Survey Officer, Mulund, once again submitted a fresh application dated 28th June 2025, as also, paid the requisite fee for carrying out the measurement. However, till date the aforesaid measurement has not been carried out which is causing grave prejudice to the Petitioner.

3. It is the Petitioner's contention that in view of the discrepancy in the area of said property on the PR card and the area originally belonging to Hoeshst Pharmaceuticals Limited, it is imperative to carry out the measurements of the said property and the City Survey Officer is bound to carry out the work of measurement with the help of police, if necessary. The Petitioner has paid requisite fees from time to time to carry out the said measurement and therefore inaction on

the part of Respondent nos.1 to 3 and specifically the City Survey Officer is causing grave prejudice to the Petitioner.

4. Having heard both the parties and on perusal of the records, in our view, considering the limited relief that the Petitioner seeks in the present petition, and although there is no written opposition/reply of the Respondents, considering the nature of the order we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice.

ORDER

- (i) We direct Respondent nos.1 to 3 and specifically Respondent no.3 i.e. City Survey Officer in whose office the applications of the Petitioner for measurement of said property are pending, to expeditiously dispose of the said applications and carry out measurement of the said property in a time bound manner with the assistance of the police, if necessary, and preferably within a period of four weeks from the date this order is made available to Respondent no.3 i.e. City Survey Officer by the Petitioner;
- (ii) Let the parties be heard;
- (iii) If any additional fees need to be paid by the Petitioner for the aforesaid measurement of the said property, the same may be informed to the Petitioner in advance to enable the Petitioner to make payment of the same thereby causing no further delay in the measurement of the said property;
- (iv) All rights and contentions of the parties are expressly kept open;
- (v) Writ Petition is disposed of in above terms. No orders.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)