

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

WRIT PETITION NO. 12127 OF 2025

Shri Jayesh Nitin Shah

... Petitioner

versus

Kalyan Dombivli Municipal Corporation & Anr.

... Respondents

...
Mr. Pranil Sonawane with Mr. Raj Chaurasia and Ms. Vedashree Phadke for
the Petitioner.

None for the Respondents.

...

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

DATE : NOVEMBER 19, 2025

P.C:

1. A private individual, namely, Sudhir Patil is alleged to have constructed a residential house on Survey No. 87, Hissa No.3/4, situated at Village Chikanghar, Kalyan, Taluka Kalyan, District Thane. Sudhir Patil has not been added as a party Respondent.

2. The learned Advocate for the Petitioner submits that the Petitioner is a subsequent purchaser of the said property on which the construction has been made.

3. In such matters, issues relating to title to the property, joint measurement of the property, fixation of boundaries, measurement of any encroachment, demolition of any illegal structure, and restoration of the possession to the title holder, are required to be dealt with, by leading oral and documentary evidence before the Civil Court.

4. In view of the above, we deem it appropriate not to entertain this Petition. **The same is, therefore, dismissed.**

5. In the event the Petitioner approaches the Civil Court, all contentions of the stakeholders are kept open, and the disposal of this Petition would not be an impediment.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)