



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8304 OF 2025
WITH
INTERIM APPLICATION NO. 12080 OF 2025
IN
WRIT PETITION NO. 8304 OF 2025

Tulsidas Nair	...	Petitioner/Applicant
Versus		
State of Maharashtra & Ors.	...	Respondents

WITH
INTERIM APPLICATION NO. 12078 OF 2025
(Not on board, taken on board)
IN
WRIT PETITION NO. 8304 OF 2025

Vilayati Ram Mittal & Anr.	...	Applicants
In the matter between		
Tulsidas Nair	...	Petitioner/Applicant
Versus		
State of Maharashtra & Ors.	...	Respondents

Mr. M.V. Holamagi for the petitioner/applicant.
Mr. P.P. Kakade, Addl. G.P. a/w. Ms. P.J. Gavhane, AGP for respondent no. 1/State.
Mr. Gaurav Srivastav a/w. Ms. Ravleen Sabharwal, Ms. Aarushi Yadav for
respondent nos. 2 and 3.
Mr. Mohit H. Sant for the applicant/intervenor in IA/12078/2025.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 8 October, 2025

P.C.

1. We have heard learned counsel for the parties on the backdrop of the earlier orders. We have also perused the reply affidavit as also the Intervention Application filed by Vilayati Ram Mittal & Khandwala (SRA) CHS Ltd.
2. After the proceedings were heard for sometime, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to the petitioner to take

recourse to appropriate proceedings.

2A. At this stage, Mr. Holamagi, learned counsel for the petitioner prays that in the order dated 3 September, 2025, in paragraph 9 this Court had directed that in the event there are any tenements which are vacant, no third party rights be created in respect of Building No. 5. He submits that as of now the petitioner intends to take recourse to the Appellate remedy, hence such protection be continued for a limited period. We continue such protection for a period of 4 weeks from today, which is only to enable the petitioner to move the Appellate forum and within such period, if appropriate orders are not obtained, it shall be presumed that the protection is not continued. Needless to observe that granting of such protection in no manner is an expression on the rival contentions. All contentions of the parties are expressly kept open to be urged in the Appellate proceedings.

Let the appeal be filed within one week from today. Copy of the same be served on the learned advocate for the SRA. In the event, such appeal is not filed such protection shall not be available to the petitioner.”

3. Allowed to be withdrawn with liberty as prayed for.
4. All contentions of the parties are expressly kept open.
5. Writ Petition is disposed of as withdrawn. No costs.
6. In view of disposal of the Writ Petition, Interim Applications do not survive and are accordingly disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)

Corrected as per the speaking to the minutes of order dated 9 October 2025.