

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2 OF 2025

Dhiraj Ganpat Hate	Petitioner
Versus	
The State of Maharashtra & Ors.	Respondents

Ms. Vedika Bhoir a/w Shrinath Badade i/b. Vaibhav Kadam for Petitioner.

Ms. Pushpa Yadav i/b. Komal Punjabi for BMC.

Mr. Mohit Jadhav, Addl.G.P. for the State.

Mr. Abdul Basit Kudalkar i/b. Neha Bhosale for Respondent No.6.

Mr. Girish Utangale a/w Sarthak Utangale i/b. Utangale & Co. for Respondent No.7 (MHADA).

Ms. Ashwini A. Dahate, Jr. Engineer (B & F) M/West Ward.

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

DATE: 18th September 2025

P.C.

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

“a) This Hon'ble Court be pleased to issue writ of mandamus, order, direction or any other appropriate, writ, order, direction directing the respondent No. 2 to direct 3 & 4 herein to Demolish the illegal structure built by Maheshkumar Shivkumar Soni and to declare it as illegal and arbitrary beyond the provision of Law. And/Or

b) This Hon'ble Court be pleased to issue writ of mandamus, order, direction or any other appropriate, writ, order, direction whereby directing the respondent No. 1 and 2 to declare all the documents relied upon by Maheshkumar Shivkumar Soni as to be void and not tenable in the eyes of law.

c) *This Hon'ble Court be pleased to quash and set aside the order dated 02.05.2022 passed by the Ld. City Civil Court, Mumbai passed in L.C Suit No. 2622 of 2016 which has been obtained by misleading and providing false information to the Ld. court.*

d) *This Hon'ble Court be pleased to issue writ of mandamus, order, direction or any other appropriate, writ, order, direction directing the respondent No. 1 to appoint committee to verify and prepare a report on the survey conducted by MMRDA and SRA to verify the legality of all such illegal structures encroached upon the land for public use.*

e) *This Hon'ble Court may be please to issue directions against Maheshkumar Shivkumar Soni to vacate the illegal structure built at Room No. 54-1/2. Rahul Nagar, Chembur (East). And/Or*

f) *This Hon'ble Court may be please to take a judicial notice, of the fact that although large number of illegal constructions have come up in the city, no action was being taken by the Respondent Authorities and direct the authorities to seal the premises in possession of Maheshkumar Shivkumar Soni as he is using government property and getting undue profits out of it.*

g) *This Hon'ble Court may be please to issue directions to Respondent No-1 to blacklist Maheshkumar Shivkumar Soni and cancel his photopass and other relevant documents in order to set an example by effectively curbing such kind of malpractices which will send a right message to wrongdoer. And/or*

h) *This Hon'ble Court be pleased to impose a heavy cost on the Respondent authorities for the wrong done by them by deriving illegal gains and the said cost be donated to any charitable trust as per the discretion of this Hon'ble Court working as savior of the public for the betterment/upliftment of the people at large.*

i) *Pending the hearing and final disposal of this PIL this Hon'ble Court may be please to stay the order and judgement dated 02.05.2022 passed by the Ld. City Civil Court, Mumbai passed in L.C Suit No. 2622 of 2016.”*

2. Our attention is brought to Long Cause Suit No. 2622/2016 filed by Respondent No.10 Mr. Maheshkumar Shivkumar Soni along with one Smt. Phulkalabai Ramshet Sonar. This Suit, which concerned the very same structure, was decreed by the said Judgment and order dated 2nd May 2022 rendered by the learned City Civil Court.

3. In this view of the matter, the learned Counsel for the Petitioner has taken a fair stand and submits that the Petitioner would intend to withdraw this Petition keeping open all contentions of the Petitioner to file appropriate proceedings as is permissible in law.

4. The Petitioner is allowed to withdraw the Petition with liberty as prayed for.

5. All contentions of the Petitioner are expressly kept open.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)