

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

WRIT PETITION NO.644 OF 2025

Naveen Co-operative Housing Society LimitedPetitioner

Versus

The State of Maharashtra & Ors.Respondents

Mr. Abdullah Shaikh i/b. Mr. Ashok M. Saraogi for the Petitioner.
Ms. K.H. Mastakar i/b. Ms. Komal Punjabi for Respondent No.2.

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

DATE : 25th NOVEMBER, 2025

P.C. :-

1. A private society has a dispute with Respondent No.3, a private individual, with regard to alleged encroachment on their land. Regular Civil Suit No.2933 of 2016 has been instituted by the present Petitioner before the Bombay City Civil Court at Dindoshi, invoking Sections 34 and 38 of the Specific Relief Act and Order 39 of the Code of Civil Procedure.

2. The learned Advocate for the Petitioner seeks liberty to withdraw this Petition, on instructions, and submits that he would avail of the remedy of approaching the Civil Court for preferring a

Suit for the joint measurement of the properties, identification of the encroachment, demolition of encroachment, and for recovery of possession.

3. In view of the above, **this Petition is disposed off as withdrawn**, on instructions.

4. If the Petitioner avails of such a remedy as stated above, all contentions of all the parties are kept open and the withdrawal of this Petition would not be an impediment.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)