

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

WRIT PETITION NO. 2942 OF 2025

Hasmukh N Malkan

... Petitioner

Versus

Brihanmumbai Municipal Corporation

... Respondents

.....

Mr. Ronish Mehta a/w. Mr. Sarthak Salaskar, Mr. Tiwari i/b M/s. Vinod Mistry & Co. for the Petitioner.

Mr. Suraj Gupte, AGP for the Respondent-State.

Mr. Saurabh Pakale for Respondent No.2.

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

Mr. Manan Jaiswal i/b MLS Vani & Associates for Respondent Nos.5 & 6.

Mr. Rahul Arora i/b Jeet Gandhi for Respondent No.7.

CORAM : **G. S. KULKARNI AND**
MANJUSHA DESHPANDE, JJ.

DATED : **20th AUGUST, 2025.**

P.C. :

1. Mr. Singh, learned counsel for respondent No.7 states that no construction is being undertaken by his client on the subject property belonging to the petitioner.

2. We accept the statement.

3. In the meantime, let the SRA as also the Brihanmumbai Municipal Corporation file reply affidavit. Copy of the same be served on the Advocate for the petitioner and other parties well in advance.

4. We also accept the submission made at the bar that there is a possibility of issue being resolved, in the event, there is an appropriate demarcation of the land in question. We accordingly direct the City

Survey Officer to undertake appropriate demarcation and with prior notice to all the parties and in the presence of all the parties. Let the same take place and the report to that effect be also placed on record. The expenditure for the such exercise undertaken be shared between the petitioner and respondent No.7 in equal proportion.

5. Permission to file additional affidavit with the Registry after four weeks.

6. Stand over to **10.09.2025**. High on board.

7. This order be communicated to the concerned official for demarcation by the learned AGP by tomorrow i.e. on **21.08.2025**.

(MANJUSHA DESHPANDE, J.)

(G. S. KULKARNI, J.)