

JVS.

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

**WRIT PETITION NO. 5362 OF 2024
WITH
INTERIM APPLICATION (L) NO. 31719 OF 2025**

Maheshkumar G. Garodia } Petitioner
versus
State of Maharashtra & Ors. } Respondents

**WITH
WRIT PETITION NO. 471 OF 2021
WITH
INTERIM APPLICATION NO. 408 OF 2021**

Maheshkumar G. Garodia } Petitioner
versus
The State of Maharashtra & Ors. } Respondents

Mr. Aspi Chinoy, Senior Advocate with Mr. Aditya Bapat,
Mr. Shehzad A. K. Najam-es-sani i/b. Maneksha & Sethna,
Advocates for the Petitioner.

Dr. Milind Sathe, Advocate General with Ms. Jyoti Chavan,
Additional Government Pleader and Mr. Himanshu Takke,
AGP for Respondent Nos. 1 & 2-State.

Dr. Milind Sathe, Advocate General with Mr. Saket Mone,
Mr. Subit Chakrabarti, Mr. Raghav Taneja & Ms. Aashka Vora
i/b. Vidhi Partners, Advocates for Respondent No. 3-MMRDA.

Mr. Anil C. Singh, Additional Solicitor General with Mr. R. V.
Govilkar, Senior Advocate, Mr. Rui Rodrigues, Mr. Aditya
Thakkar, Mr. D. P. Singh, Mr. Adarsh Vyas, Mr. Gauraj Shah,
Mr. Krish Kant, Mr. Rajdatt Nagre & Mr. Ranjeet Kumar,
Advocates for Respondent Nos. 5 to 7-UoI.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 10th DECEMBER 2025

P.C.:

Mr. Aspi Chinoy, the learned senior counsel has tendered a list of dates and events on behalf of the petitioner, which is taken on record. Dr. Milind Sathe, the learned senior counsel has tendered brief submissions on behalf of the respondent no.1-State of Maharashtra and the respondent no.3-Mumbai Metropolitan Region Development Authority (MMRDA), which is taken on record. Mr. Anil C. Singh, the learned Additional Solicitor General has tendered written note of submissions on behalf of the Union of India, which is taken on record.

2. In rejoinder, Mr. Aspi Chinoy, the learned senior counsel for the petitioner referred to the decision in “*State of U. P. & Ors. v. Maharaja Dharmander Prasad Singh & Ors.*” (1989) 2 SCC 505 and a decision of this Court in Suit No. 1172 of 2005 titled “*Vikas Kamalakar Walawalkar v. The Deputy Salt Commissioner & Anr.*” and re-emphasized that the State, without even having any right, title and interest over the subject property, cannot take forcible possession of a private property and dispossess the petitioner. The learned senior counsel has also reiterated that there is a specific clause, viz, clause VI (2) in the lease agreement which provides renewal of lease on making an application by the lessee and such an application was already made.

3. Arguments concluded.

4. Judgment is reserved.

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signed by
JAYANT
VISHWANATH
SALUNKE
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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]