Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ASHWINI PRASAD NARHIRE

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Date: 2026.10.06 11:25:37 +0530

**WRIT PETITION NO.10629 OF 2025**
**WITH**
**INTERIM APPLICATION NO.7755 OF 2026**
**IN**
**WRIT PETITION NO.10629 OF 2025**

Zamir Hassan Rashid Ahmed Shaikh ...Petitioner
Versus
Kalyan Dombivali Municipal Corporation
through the Municipal Commissioner
& Ors. ...Respondents

...

Mr. Raj Chourasia for the Petitioner.

Mr. A. S. Rao for Respondent Nos.1 to 3.

Mr. Rajesh P. Khobragade for the Applicant/Intervener.

...

**CORAM : MAHESH CHANDRA TRIPATHI, CJ. &**
**ADVAIT M. SETHNA, J.**

**DATE : 5th OCTOBER, 2026.**

**P.C.:**

**1.** We have learned counsel for the parties.

**2.** This instant Petition is preferred for the following substantive reliefs:-

> *"a) The Hon'ble Court be pleased to issue a writ, order or direction in the form of a writ of mandamus or any other writ/*

*order/ direction against the Respondents to forthwith take necessary and appropriate action in accordance with law against the illegal and unauthorised construction being carried out the opposite side of Petitioner's building, permanently blocking the access road;*

*b) The Hon'ble Court be pleased to direct the Respondent No.1 to initiate departmental enquiry against the Division Area Officer, "J" Ward, having office at Unauthorized Construction Department, Kalyan Dombivli Municipal Corporation for the deliberate negligence and failure on his part to perform his statutory duty to prohibit illegal and unauthorised construction being carried out the opposite side of Petitioner's building permanently blocking the access road and further to take appropriate action as per the law."*

**3.** Learned counsel for the Petitioner fairly submits that the Petitioner has already instituted a Regular Civil Suit No.302 of 2025 before the Civil Judge (Junior Division), Kalyan, wherein the interim relief to maintain status quo was already granted. Accordingly, he seeks leave of this Court to withdraw this Petition.

**4.** Considering the factual situation as emerged before us, we are not inclined to permit the Petitioner to pursue the parallel proceedings as the complaint/grievance raised by the Petitioner is of civil nature which can duly be adjudicated by the Competent Civil Court. The Writ Petition is accordingly Dismissed as Withdrawn. We leave it open to the Petitioner to press such relief before the Competent Civil Court, in accordance with law.

**5.** In view of the above, Interim Application would not survive and stands disposed of.

**6.** This order is passed with due assistance of Mr. A. S. Rao learned counsel for Respondent Nos.1 to 3.

**[ADVAIT M. SETHNA, J.]** **[CHIEF JUSTICE]**