

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 697 OF 2026**

Kamlabai Shantarao Bhoir (since deceased)
Through legal heirs and others ... Petitioners
vs.
Mumbai Rail Vikas Corporation,
Through Chief Engineer, and others ... Respondents

**AND
WRIT PETITION NO. 714 OF 2026**

Mr. Amogh Karandikar for petitioners in both petitions.
Mr. Atharva Dandekar a/w. Mr. Tejas Gupta and Mr. Om Waghmode for
respondent No.1 in WP/697/26 and respondent No.2 in WP/714/26.
Mr. A. I. Patel, Addl. GP a/w. Ms. M. S. Bane, AGP for respondent Nos.2
and 3-State authorities in WP/697/26.
Ms. Ashwini A. Purav, AGP for respondent No.3-State in WP/714/26.
Mr. D. P. Singh for respondent Nos.1 and 4 in WP/714/26.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ**

DATE : 05th FEBRUARY, 2026

P.C. :

. Heard learned counsel for the petitioners as also the learned
counsel appearing for the State authorities and the learned counsel
appearing for Union of India.

2. These petitions have come up for consideration for the first
time.

3. Having heard the learned counsel for the petitioners for some
time, in the light of the earlier orders passed by the co-ordinate
Bench of this Court in an earlier writ petition filed by the petitioners,
bearing Writ Petition No.9645 of 2024 and Contempt Petition

Nos.436 of 2025 and 714 of 2025, we are of the preliminary opinion that the petitioners ought to take recourse to appropriate remedy, as serious disputed questions of facts are sought to be raised on behalf of the petitioners.

4. While on the one hand, the petitioners assert that the respondents are utilizing the land in Survey Nos.100 and 122 of Village Umela, Taluka Vasai for laying down railway lines, the respondents have stoutly denied such an assertion. The petitioners claim to be the owners of the land in the said survey numbers. It is to be noted that Contempt Petition No.714 of 2025 was withdrawn by the petitioners in Writ Petition No.714 of 2026, with liberty to take recourse to appropriate remedy and Contempt Petition No.436 of 2025 was disposed of in a similar manner, in the light of a specific affidavit filed by Deputy Superintendent, Land Records, Vasai, that no construction work has been undertaken on the land in the said survey numbers.

5. The petitioners again approaching this Court in writ jurisdiction, would amount to inviting this Court to give findings on disputed questions of facts, which can be properly decided only by a competent civil court.

6. In the light of the preliminary observations made by this Court, the learned counsel for the petitioners sought short adjournment to take appropriate instructions in the matter.

7. List for further consideration on 12.02.2026, to be included in the supplementary list.

(SHREERAM V. SHIRSAT, J)

(MANISH PITALE, J.)