

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 697 OF 2026

Kamalabai Shantarao Bhoir
since decd. through L.H. & Ors. ... Petitioners
Versus
Mumbai Rail Vikas Corporation
through Chief Engineer & Ors. ... Respondents

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

Mr. Amogh Karandikar for the Petitioners in both petitions.
Mr. Atharva Dandekar a/w Mr. Om Waghmode for Respondent
No.1 in WP/697/2026 and for Respondent No.2 in WP/714/2026.
Mrs. M. S. Bane, AGP for Respondent-State in WP/697/2026.
Mrs. Ashwini Purav, AGP for Respondent-State in WP/714/2026.
Mr. D. P. Singh for Respondent Nos.1 and 4 in WP/714/2026.

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

DATE : 12th FEBRUARY 2026

P.C. :

. On 5th February 2026, when these writ petitions were taken
up for consideration, the following order was passed :

*“ 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 It is to be noted that Contempt Petition No.714 of 2025 was withdrawn by the petitioners in Writ Petition No.714 of 2026, with liberty to take recourse to appropriate remedy and Contempt Petition No.436 of 2025 was disposed of in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.”

2. Today, the learned counsel for the petitioners in both the writ petitions, on instructions, seeks permission to withdraw the writ petitions with liberty to approach the competent Civil Court to raise the grievance of the petitioners. It is further submitted that this Court may consider making some observations in the order being passed today, so that the competent Civil Court before whom the petitioners would be moving, would not be influenced,

in any manner, by the orders passed by this Court in these writ petitions and earlier proceedings initiated by the petitioners before this Court.

3. In view of the above, the writ petitions are disposed of as withdrawn, with liberty to the petitioners in the writ petitions to institute appropriate proceedings, in accordance with law, before the competent Civil Court to air their grievance.

4. All questions and contentions of the rival parties are expressly kept open.

5. Needless to say, the competent Civil Court before whom the petitioners would be instituting proceedings, shall consider the prayers made on behalf of the petitioners, including prayers for granting interlocutory relief, without being influenced by the orders passed by this Court in these writ petitions and earlier proceedings initiated by the petitioners before this Court.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)