

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2961 OF 2025**

Hamidabi Sayyed Gani & Anr.Petitioners

Versus

Mumbai Metropolitan Regional
Development Authority and Ors.Respondents

Mr. Prithviraj S. Gole for the Petitioners.
Mr. Akshay Shinde for Respondent No.1.
Ms. Leena Patil, AGP for Respondent No.4.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 17th FEBRUARY, 2026

P.C. :-

1. Respondent Nos.2 and 3 have constructed a structure after obtaining permission from the concerned Gram Panchayat. The grievance of the Petitioners is that part of the construction is on their private plot.

2. We find that the Petitioners will first have to get a joint measurement of the properties of the Petitioners as well as Respondent Nos.2 and 3. Thereafter, identification and fixation of the boundaries will have to be done. This will be followed by identification of the encroachment. Thereafter, an order for

demolition of the identified encroachment and restoration of possession of the plot which the Petitioners have lost, would have to be passed. This would require oral and documentary evidence. The Petitioners will have to approach the Civil Court, considering that the litigation is between two private parties regarding their private properties.

3. The learned Advocate for the Petitioners submits that Respondent Nos.2 and 3 have already instituted a Civil Suit and that the Petitioners are Defendants in the said Suit. The Suit is for declaration, since the Petitioners gave development rights to Respondent No.2.

4. In view of the above, we have no reason to entertain this Petition.

5. **This Petition is, therefore, dismissed.**

6. Needless to state, all the contentions of all the stakeholders in the pending Suit are kept open.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)