

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.4143 OF 2025**

Salim Gaffar Shaikh & ors.Petitioners

Versus

The State of Maharashtra and ors.Respondents

Mr. Salim Gaffar Shaikh for the Petitioner.

Mrs. Pooja Patil, AGP for the Respondent – State.

Mr. Ashwin R. Kapadnis a/w Ms. Rutvi S. Ovhal, Mr. Nikhil Yadhav for Respondent Nos. 2 and 5.

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

DATE : 27th JANUARY, 2026

P.C. :-

1. The Petitioners claim ownership over the parcel of land (subject land). According to the Petitioners, they purchased the subject land from their father namely Gaffar Ali Dukhi Shaikh. Petitioner No.1 is a practicing lawyer. The contention is that one Mr. Sandeep Shetty who is not arrayed as a Respondent, has constructed a building (Ground + 4 floors) / the structure, on the subject land. According to the Petitioners, the 7/12 extract stands in their names.

2. The learned Advocate representing the Corporation, places on record a copy of the hearing conducted on 17th February,

2025, between Petitioner No.1 and Mr. Sandeep Krishna Shetty, the builder who has constructed the building (Ground + 4 floors) / the structure.

3. According to Mr. Sandeep Krishna Shetty, he has already approached the Civil Court, as the subject land was purchased by him from Adiwasi people. A photostat copy of the said hearing details dated 17th December 2025, conducted by the Assistant Commissioner, Ward Committee 'B', Vasai-Virar City Municipal Corporation, is taken on record and marked as 'X-1' for identification.

4. The learned Advocate for the Petitioners, on instructions, submits that the Petitioners are not party to the pending Civil Suit.

5. We see a host of disputed issues. The Petitioners will have to perfect their title and ownership. The 7/12 extracts are merely for fiscal purposes and do not indicate or establish any right, title, or interest, in the property (*Shrikant R. Sankanwar and Others Vs. Krishna Balu Naukudkar 2003 (3) BOM CR 45*).

6. The Petitioners claim that their father sold the subject land to them. A copy of the Agreement placed on record at pages 27-31 dated 21st February, 2003, signed by the Petitioner's father and Mr. E. R. R. Pillai which is an Agreement to Sell, indicates that the father of the Petitioners had purchased the said land from Mr. E. R. R. Pillai. It is the notarized document and not a registered agreement.

7. The prayer of the Petitioners is that the Corporation be directed to demolish the structure. With such disputed factors before us, we cannot issue any directions to the Corporation. The Petitioners could approach the Civil Court and seek a declaration of ownership and title over the property, get the purported encroachment measured, get a declaration that the structure is illegal, pray for demolition of the structure, and then, pray for the recovery of possession of land.

8. In view of the above, **this Petition is dismissed.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)