

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

WRIT PETITION NO.17861 OF 2025

Sushil Kumar Lalji DubeyPetitioner

Versus

Theh Kalyan Dombivli Municipal
Corporation and Ors.Respondents

Mr. Sushil Kumar Tiwari appointed through Legal Aid for the
Petitioner.

Mr. Rohit Sakhadeo for Respondent Nos.1, 2 and 3.

Ms. Savita Jaywant Hile, Assistant Commissioner, 4 (J), Ward Area
Office Kalyan Dombivli Municipal Corporation, Kalyan present.

CORAM : RAVINDRA V. GHUGE

&

ABHAY J. MANTRI, JJ.

DATE : 5th FEBRUARY, 2026

P.C. :-

1. This matter was heard at length on 4th February, 2026.
We had called upon Mr. Sakhadeo, the learned Advocate for the
Corporation, to take instructions.

2. Today, Mr. Sakhadeo has tendered a compilation of 20
pages. The said compilation is taken on record and collectively
marked as '**X-1**' for identification. On perusing this set of papers
marked as X-1, it is apparent that the illegal construction carried out
by Respondent No.4 has been demolished. Photographs are also
placed on record at page nos.18, 19 and 20 (12 photographs). The

picture is clear right from the original existence of the shops until their demolition.

3. However, we noticed from a remark that has been recorded by the Deputy Commissioner, In-charge of demolition of unauthorised structures, Kalyan and Dombivali Municipal Corporation, that presently, the Petitioner himself is not allowing anyone to carry out the joint measurement of his property and the purported unauthorised structure of Respondent No.4.

4. In view of the above, we find that there is an element of resistance by the Petitioner. If the Petitioner desires to get this issue settled, he should approach the Civil Court and seek a direction for a joint measurement of the properties, get the properties of the Petitioner and Respondent No.4 measured and demarcated and the boundary lines be marked. Encroachment, if any, needs to be identified by leading oral and documentary evidence and then seek an order for recovery of the encroached area.

5. The learned Advocate for the Corporation has tendered one more compilation (12 pages), which is taken on record and marked as 'X-2' for identification. Mr. Sakhadeo points out that

there are several complaints against the Petitioner himself, inasmuch as, an FIR bearing No.0729 has been registered on 27th November, 2023 with the Kolsewadi Police Station, District Thane City, by one Dilip Sitaram Jadhav, for various criminal acts. Several other complaints have been filed by the society against the Petitioner.

6. Be that as it may, disputed questions should not be gone into by this Court. Moreover, this Court is a Court of equities. One who prays for a Writ of Mandamus, should come with clean hands. If the Petitioner is preventing the Corporation from carrying out the joint measurement of the property, we have no reason to entertain this Petition.

7. With liberty to the Petitioner to approach the Civil Court, **this Writ Petition is dismissed.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)