

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****REVIEW PETITION NO. 66 OF 2026
IN
WRIT PETITION NO. 4435 OF 2022**

M/s. Bhosale Homes

... Petitioner

V/s.City And Industrial Development Corporation
of Maharashtra Ltd. & Ors.

... Respondents

Mr. Niketan Nakhawa a/w Mr. Pramod Purav for Petitioner.

Mr. G.S. Hegde, senior counsel a/w Ms. P.M. Bhansali for Respondent-CIDCO.

Ms. M.P. Thakur, A.G.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 23rd April 2026****P.C. :**

1) By this review Petition filed under Order XLVII of the Code of Civil Procedure, the Petitioner is seeking review of Judgment dated 20th March 2025.

2) Heard Mr. Nakhawa, learned Advocate for review Petitioner, Mr. Hegde, learned Senior Advocate for Respondent-CIDCO and learned APP Ms. Thakur, for Respondent-State. Perused record.

3) Learned Advocate for the review Petitioner submitted that, the Stop Work Notice was dated 31st August 2016. However, the Circular issued

by the CIDCO is 12th April 2018, under which the said Stop Work Notice is issued. He submitted that, the said Circular has no retrospective application for issuance of Stop Work Notice and reject the permission to construct on the suit land. He therefore requested this Court to review the said Judgment dated 20th March 2025 and restore the Petition to file.

4) Mr. Hegde, learned Senior Advocate appearing for Respondent-CIDCO opposed the Petition. He submitted that, the Stop Work Notice is issued on the basis of communication/letter dated 9th November 2012 received from the Respondent No.6 informing the CIDCO that, the Petitioner is not the owner of the suit land and it is Sir Mohammed Haji Yusuf Trust, who owns the said land. He submitted that, there is no merit in the review Petition and it may be dismissed.

5) Perusal of Judgment under review indicates that, there is a serious dispute about the ownership of the suit land. It is on the basis of communication / letter dated 9th November 2012 received from the District Collector, Raigad, that CIDCO initiated steps to issue Stop Work Notice dated 31st August 2016.

5.1) In the Judgment under review, in para No. 8, we have categorically held that, this would be a case where there is a dispute with regard to the title of the land, of which rights will have to be adjudicated before the jurisdictional civil Court and cannot be adjudicated in our writ jurisdiction under Article 226 of the Constitution of India. Accordingly, we

have dismissed the said Petition by granting liberty to the Petitioner to avail the remedy before the Civil Court, if so advised.

6) Perusal of record indicates that, the material which was placed before us has been duly considered while delivering Judgment dated 20th March 2025. We find that, there is no error apparent on the face of record to review the Judgment dated 20th March 2025.

7) According to us, present Petition has no merits and is accordingly dismissed.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)