

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3819 OF 2025

WITH

INTERIM APPLICATION NO. 3832 OF 2025

Sir Mohammed Yusuf Welfare Foundation

Thr. Its Member Secretary

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Rayomand Zaiwala, Advocate for the Petitioner.

Ms. D.S. Deshmukh, AGP for Respondent Nos.1 to 4/State.

Mr. Rohit Parab i/by Mr. C.G. Gavnekar, Advocate for Respondent No.5.

CORAM : RAVINDRA V. GHUGE

&

ABHAY J. MANTRI, JJ.

DATE : 13th MARCH, 2026

P.C. :-

1. On 12th March, 2026, we had passed the following order :

“1. The learned Advocate appearing for Respondent No.5-Sarpanch, Gram Panchayat, Nhave, makes a statement on instructions that the amount of Rs.45,00,000/- has been deposited with the gram Panchayat, Nhave, by the Petitioner.

2. The learned Advocate for the Petitioner, therefore, submits that the Petitioner is desirous to approach the Appellate Authority.

3. *The learned Advocate appearing for the Gram Panchayat, submits that Writ Petition is perfectly maintainable in this Court and after the order of the District Collector, the Petitioner does not have to approach the Konkan Commissioner/Appellate Authority.*

4. *The learned Advocate for the Petitioner submits that in the light of the above statement, notice maybe issued and since the Petitioner has deposited Rs.45,00,000/- with the Gram Panchayat, further coercive steps may be restrained by way of interim protection.*

5. *In view of the above, **issue notice to the Respondents**, returnable on **10th June, 2026**. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 2. The learned Advocate waives service of notice on behalf of Respondent No.5.*

6. *Let affidavit in reply be filed on or before 20th April, 2026. The rejoinder affidavit, if desired, be filed on or before 4th May, 2026.*

7. *Since the Petitioner has deposited Rs.45,00,000/- with the Gram Panchayat, further coercive steps/precipitative action against the Petitioner, only restricting to the cause of action in this Petition, shall be restrained by way of interim relief.*

8. *In view of the above, **the Interim Application is rendered infructuous and stands disposed off.***”

2. Today, the learned Advocate for the Petitioner again moved a praecipe praying that if the order is not signed, these matters may be taken up for recording that the Petitioner has the

remedy of approaching the State, and not the Konkan Commissioner. The Petitioner, therefore, desires to withdraw the Writ Petition as well as the Interim Application and avail of the remedy.

3. As such, these matters were taken on the production board at 1:45 p.m. The learned Advocate for Respondent No.5, Mr. Rohit Parab is also present in the Court and submits that an appropriate order be passed.

4. In view of the above, the **Writ Petition** as well as the **Interim Application are disposed off** as withdrawn, on instructions, with liberty to the Petitioner to approach the State of Maharashtra. All contentions and objections of the litigating parties, even on maintainability, are kept open.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)