



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

WRIT PETITION NO.6309 OF 2026

Neelam Hiralal Kukrja @ Maya Gagandas
Sadhvani

... Petitioner

Versus

The State of Maharashtra and ors.

.... Respondents

Adv. Aseem Naphade a/w Adv. Hamza Lakhani, Adv. Devansh Shah i/b. Adv. Ankur S. Kalal, for the petitioner.

Smt. R. A. Salunkhe, AGP for the respondent-State.

Mr. Mahesh Sadhwani, respondent No.6 present in the Court.

Mr. Rajendra Londe, City Survey Officer Ulhasnagar.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 6th MAY 2026

P.C. :

1. Heard learned counsel for the parties.
2. Our attention is invited to the order dated 29/08/2024

which reads thus :-

“The learned counsel for the petitioner seeks a limited relief of a direction been issued to the respondent nos.2 and 3 to measure the land bearing Plot Nos. U-62 and U-64 in accordance with the request made. On 7th August 2024 we had directed the learned Assistant Government Pleader to obtain necessary instructions in this regard. Today, on instructions as well as the affidavit of the City Survey Officer,

it has been stated that the subject to the petitioner making payment as per circular dated 6th February 2010, further steps would be taken.

2. In view of the aforesaid, it is open for the petitioner to make necessary payment and apply afresh for carrying out measurement in terms of what has been stated in paragraph 12 of the affidavit filed by the City Survey Officer.

3. If such application is made, the same be considered on its own merits and in accordance with law. It would be open for the private respondents to remain present during such measurement.

4. It is clarified that all contentions of either parties are kept open for being raised in appropriate proceedings. The entire exercise be conducted within a period of six weeks of all necessary compliance being made.

5. The writ petition is disposed of with aforesaid directions.”

3. Learned AGP submitted that though an attempt was made to carry out the measurement in terms of the order passed by this Court, there was obstruction from the respondent Nos.4 to 7. Accordingly, the panchanama which is at page 156 of the paper-book was drawn and in the said panchanama it is specifically mentioned that in view of the obstruction of the respondent Nos.4 to 7, measurement could not be carried out.

4. Once an order is passed by this Court, the same needs to be complied with. Paragraph 2 of the order dated 29/08/2024

clearly mentions that it is open for the petitioner to make necessary payment and apply afresh for carrying out measurement in terms of what is stated in paragraph 12 of the affidavit filed by the City Survey Officer. We expect the compliance of the order dated 29/08/2024.

5. Learned AGP submits that in view of the change in the pattern, the petitioners have to file an e-application for carrying out measurement.

6. Mr. Naphade, learned counsel for the petitioner submits that within a period of two weeks from today an appropriate application will be made in the e-version form to the respondent No.2. Upon such an application being made, it is expected that the directions in the order dated 29/08/2024 be complied with by the respondent No.2. Upon considering such application and during the course of carrying out the measurement if there is any obstruction, it is always open for the respondent No.2 to seek appropriate police protection. On a request made by the respondent No.2, obviously the in-charge of the police station shall provide the necessary police protection on the petitioner's paying

the necessary charges.

7. We make it clear that the e-application has to be considered in terms of the order dated 29/08/2024 passed by this Court.

8. At this stage the respondent No.6 appeared in person and requested for time to engage an advocate. Considering the nature of the order which is only a reiteration of what has been already directed, we are not inclined to issue notice to the respondent No.6. No prejudice is caused to the respondent No.6. The order dated 29/08/2024 of this Court has not been challenged and has attained finality.

9. We have not expressed any opinion on the merits of the process that may be carried out and all contentions in that regard are kept open.

10. With the aforesaid directions, the writ petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)