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JAYANT VISHWANATH SALUNKE

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1911 OF 2026

Mishal Mario De Souza } Petitioner
Versus
State of Maharashtra & Ors. } Respondents

Mr. Satish Mishra with Ms. Simran Shirvoikar, Advocates for the Petitioner.

Mr. Suraj Gupte, AGP for Respondent Nos. 1 to 4-State.

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 5th OCTOBER, 2026

P.C.:

1. By the instant Writ Petition, the Petitioner, *inter alia*, seeks the following substantive reliefs:-

> *"a. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the action of the Respondent Police Authorities in sealing the premises bearing G/2, Rocha Compound, D.N. Singh Road, Hathibaug, Mazgaon, Mumbai-400010 and dispossessing the Petitioner therefrom as illegal, arbitrary and without authority of law;*
>
> *b. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents to forthwith restore peaceful and lawful possession of the aforesaid premises to the Petitioner;*
>
> *c. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing Respondent Nos. 1 to 3 to appoint a fit, independent and impartial agency or authority to conduct inquiry into the conduct of Respondent No. 4 Police Inspector Suresh Chavan, attached to Byculla Police Station, for abuse and misuse of police powers;*
>
> *d. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing that investigation in FIR No. 841/2025 registered with Byculla Police Station be transferred to an independent and impartial Investigating Officer or any other appropriate agency;*
>
> *e. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents to secure, preserve and produce*

CCTV footage of the said premises and surrounding area, including footage recorded at the time of sealing and reopening of the premises and to ensure that such electronic evidence is not tampered with or destroyed;

f. Issue appropriate directions awarding compensation to the Petitioner for illegal dispossession, loss of professional practice, business loss and mental harassment caused due to the unlawful acts of the Respondent;

g. That this Hon'ble court be pleased Direct Respondents to secure and preserve CCTV footage relating to the incident."

2. We have heard the learned Counsel for the Petitioner. Having heard the learned Counsel for the Petitioner and considering the reliefs sought through the instant Writ Petition, we are of the considered opinion that the dispute between the parties *inter-se* appears to be purely Civil in nature. These are factual disputes between the Landlord and the Tenant, which cannot be gone into a writ petition under Article 226 of the Constitution of India. Moreover, the Petition lacks the necessary particulars.

3. Confronted with the aforesaid situation, the learned Counsel for the Petitioner, on instructions, seeks leave to withdraw the Writ Petition with liberty to the Petitioner to institute appropriate proceedings before the competent Civil/Criminal Court in accordance with law.

4. In view of the aforesaid submission, the Writ Petition is dismissed as withdrawn with the aforesaid liberty.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**