

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 900 OF 2024

Sunil Yeshwant Patil

...Petitioner

VS

The State of Maharashtra & Ors.

...Respondents

Ms. Aditya Shirke with Sagar Parab with Darshan Suvarna i/b. Vigil Juris, for
Petitioners.

Mr. Anjali Ghuge, for Respondent no.3.

Ms. Uaymala Ostwal, Addl.Govt. Pleader with Usha Rahi, AGP for State.

Mr. Abhishek Khambekar with Chinmay Acharya, for Respondent No.5.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 23 February 2026.

P.C.

1. This petition under Article 226 of the Constitution is filed seeking the
following substantive reliefs:

a) That this Hon'ble Court may be please to appoint Superintendent Land
Record as court commissioner and direct them to submit to report on 40' TP
Road joining new Prabhadevi road to Sayani Road, has been shown in DP
Plan which moves adjacent and through boundary East and West of FP No.
937, 939, 931, 914, 940, 929, 930, 917, 916, 913 and their respective area
and direct him to submit report on amalgamation of any plot with each other.

b) That this Hon'ble Court may be pleased to after receiving court
commissioner report this Hon'ble Court be pleased to declare that no set back
can be claimed in present case by the Developer after showing DP Road as a
plot of land and any such act on the part of concerned officials of the
respondents are patently illegal.

c) That this Hon'ble Court may be pleased to after receiving court
commissioner report and verifying legality and if this Hon'ble Court found
illegality then this Hon'ble Court may be please to direct Respondent I to
institute a high level enquiry in the present case where by the Respondent
No. 5 and 6 after showing DP Road as a plot of land in connivance of
Respondent 2 to 4, officials have claimed set back.

(d) That this Hon'ble Court may be pleased to after receiving court
commissioner report and verifying legality and if this Hon'ble Court found
illegality then this Hon'ble Court may be please to direct Respondent No. 2
to 4 to demolish the sale building of the Respondent No. 5 which has been
constructed on the basis of wrong calculation of set back and FSI."

2. After this petition was heard for some time, Mr. Shirke, learned Counsel for the petitioner, on instructions of the petitioner who is present in the Court, and fairly so, seeks leave to withdraw this petition with liberty to the petitioner to take recourse to the appropriate remedy as may be available under law.
3. Allowed to be withdrawn with liberty as prayed for.
4. All contentions of the parties are expressly kept open.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)