

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

WRIT PETITION NO. 4610 OF 2024
ALONGWITH
INTERIM APPLICATION (L) NO. 13429 OF 2025
IN
WRIT PETITION NO. 4610 OF 2024

Harikishan Vedprakash Agarwal ...Petitioner
Versus
Additional Metropolitan Commissioner - I
Land Acquisition and Rehabilitation
Department and Ors. ...Respondents

Mr. Harikishan Vedprakash Agarwal, Petitioner-in-Person.
Mr. Akshay P. Shinde, for Respondent Nos. 1 & 2.
Mr. Vachan Bodke, a/w Mr. Vaibhav Gaikwad, i/b V and M Legal, for
Respondent Nos. 3 to 15.

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CORAM: MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE: 20th JANUARY 2026.

P.C.

1. Heard the petitioner-in-person and the learned counsel appearing for Respondent Nos. 1 and 2, as also learned counsel appearing for Respondent Nos. 3 to 15.

2. We have perused the writ petition and the prayers made therein. Prayer clause (a) seeks a declaration from this Court that the facts recorded in the order dated 13th January, 2023, by the Deputy Collector (MMRDA) are false and the same is a fabrication or a lie. We are unable to agree with the petitioner that such a prayer can be entertained in writ jurisdiction.

3. In fact, we perused the said order dated 13th January, 2023, which records that a suit filed by the petitioner was dismissed. The understanding

of the petitioner-in-person is that the said order records that appeal has been dismissed. We are unable to agree, as the Marathi expression “Dava” means a suit.

4. We also find from the documents annexed with the petition that a suit for specific performance filed by the petitioner bearing Suit No. 92 of 1982, was dismissed by a learned Single Judge of this Court as per judgment and order dated 30th June, 2020. Therefore, dismissal of the suit is a fact that cannot be denied.

5. Equally, it cannot be denied that an appeal filed by the petitioner challenging the order dismissing the suit, bearing Appeal No. 133 of 2021, is pending before a Division Bench of this Court.

6. The petitioner, amongst other contentions, claims that he is in possession of part of the subject property and that there is a finding in his favor in that regard in the order dismissing the suit and in such a situation, Respondent Nos. 3 to 15 could not be given consent for acquisition of the land for the purpose of construction of Metro.

7. We are of the opinion that claims made by the petitioner with regard to title and possession are still at large in the pending appeal. As on today, since the suit for specific performance has been dismissed, the petitioner can certainly not claim title to the property.

8. The frame of the writ petition and the diverse prayers that are made in this writ petition cannot be entertained, primarily for the reason that the aforementioned appeal is pending before a Division Bench of this Court.

9. We are of the opinion that the petitioner can raise all such grievances in the pending appeal and invoking writ jurisdiction is wholly misdirected. In fact, prayer clause (j) seeks a declaration that this Court has the authority to hear the pending appeal, which has already been admitted. Since the petitioner is appearing-in-person, we believe that he has not been advised properly and the appropriate course for him would be to raise such grievances before the appropriate Bench, i.e. the Bench assigned hearing of

the pending appeal.

10. In view of the above, we decline to entertain the writ petition and the writ petition is dismissed.

11. Nonetheless, we specifically reserve liberty for the petitioner to raise his grievances in pending Appeal No.133 of 2021, in accordance with law. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)