

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 4853 OF 2025

Sheetal D. Mishra

.....Petitioner

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Sheetal D. Mishra Petitioner-in-person present.

Shri. Prashant Kamble, AGP for the Respondent No.1-State.

Mr. Rahul Karnik for the Respondent No.4.

Adv. Tanaya Patankar a/w Adv. Kartik Tiwari i/by Lakshyavedhi Legal for the Respondent No.5.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.DATE : 25th MARCH, 2026.**PC.:-**

1) In our opinion, the Respondent Nos.3, 4 and 5 do not fall within the purview of Article 12 of the Constitution of India and therefore Writ of Certiorari against them for cancellation of Development Agreement dated 29th July, 2025, is not maintainable. Even otherwise, the Petitioner cannot exercise her right on behalf of the Society and independently seek cancellation of the said Development Agreement.

2) Reliance is placed on the decision of the Constitution Bench of the Hon'ble Supreme Court in the case of *Daman Singh & Ors. Vs. State of Punjab & Ors.* reported in (1985) 2 SCC 463 .

3) If the Petitioner is aggrieved by the decision taken by the Society, she has a legal remedy of raising a dispute under Section 91 of the MCS Act to approach the concerned Authority constituted therein by filing an appropriate Application.

4) Considering our view on the subject, the Petitioner, appearing in-person, seeks leave to withdraw Petition with liberty to avail the said remedy.

4.1) Leave and liberty granted.

5) Disposed off as withdrawn with aforesaid liberty.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

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SHARNAPPA
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