

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

WRIT PETITION NO.2530 OF 2026

Allwyn DaCosta

....Petitioner

Versus

The Brihanmumbai Municipal
Corporation and Ors.

....Respondents

Mr. Floyd Gracias a/w. Mr. Jay Kadam for the Petitioner.

Ms. Smita Tondwalkar for the Respondent, the BMC.

Mr. Prateek K. a/w. Mr. Rishabh Agarwal, Mr. Pratiksh Udeshi,
Mr. Sarvesh Agarwal and Mr. Shailesh Korpe i/b. Cygnus Legal for
Respondent No.4.

CORAM : RAVINDRA V. GHUGE, ACJ.

&

GAUTAM A. ANKHAD, J.

DATE : 12th JUNE, 2026

P.C. :-

1. We have heard the learned Advocate for the Petitioner for some time. The prayers put forth are with regard to the obstruction of light and fresh air to the Petitioner's property on account of the construction undertaken by a private Respondent No.4. The Petitioner can surely approach the Civil Court.

2. The learned Advocate for the Petitioner submits, on instructions from the Petitioner, who is present in the Court hall, that

the Petitioner desires to withdraw this Petition and approach the Civil Court as against the private Respondents with regard to the encroachment/illegal construction and obstruction of light and fresh air to the Petitioner's property.

3. In view of the above, **this Petition is disposed off as withdrawn**, on instructions.

4. If the Petitioner approaches the Civil Court, all contentions of the stakeholders are kept open and the withdrawal of this Petition would not be an impediment.

(GAUTAM A. ANKHAD, J.)

(ACTING CHIEF JUSTICE)