

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4718 OF 2026

Sohel Masiulah Khan And Ors. ...Petitioners

Versus

The Union Of India Thr. The Ministry
Of Home Affairs And Ors. ...Respondents

Mr. Javed Akhtar Khan a/w Mr. Arbaz Waris Pathan, Mr. Pavan Sanjay Ghatkar, for the Petitioners.

Mr. Y. R. Mishra a/w N. R. Prajapati, Sachidanand T. Singh, for Respondent No.1-Union of India.

Dr. Sanjay Jain a/w Mr. Harsh Dedhia, for Respondent Nos.2 to 5.

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

DATE: 10th APRIL 2026

P.C.

1. This Petition was mentioned yesterday on behalf of the Petitioners projecting extreme urgency in the matter. It was submitted that the Respondents are likely to proceed to take physical possession of a piece of land which purportedly consists of a burial ground and where the graves of the ancestors of the Petitioners are existing. It was specifically orally submitted before this Bench while mentioning yesterday that the Respondent-Authorities were proceeding on the basis of "acquisition of the land".

2. Since a submission was made with regard to the purported acquisition of land by Respondent-Authorities, this Court granted urgent circulation for today, as matter pertains to land acquisition are assigned to this Bench.

3. But, when the Petition was taken up for consideration today, we

realized that this Petition cannot be taken up by this Bench even if the contents of the Petition are to be relied upon. Paragraph 1(a) of the Petition specifically states that this Petition is filed in public interest under Article 226 of the Constitution of India. In the body of the Petition, there is no reference to any acquisition proceeding undertaken by the Respondent-Authorities. The Petition refers to the provisions of the Environment (Protection) Act, 1986, Goa, Daman and Diu Municipalities Act, 1968, the Land Revenue Code, 1966, but there is no reference to any such acquisition proceeding.

4. This Petition clearly does not pertain to the assignment of this Bench, but an impression was sought to be given yesterday while mentioning for urgent circulation, as if this Petition pertains to the assignment of this Bench.

5. The learned counsel appearing for Respondent Nos.2 to 5 i.e. the Authorities concerned with the Union Territory of Dadar and Nagar Haveli and Daman and Diu correctly points out that in the synopsis, it appears to that the words "Maharashtra Land Acquisition Act" have been subsequently added by hand.

6. We find substance in the contention raised of behalf of the said Respondents that the aforesaid words were deliberately subsequently added by hand, only to create an impression that this Petition concerned acquisition proceedings and that therefore, it could be circulated before this Bench. As a matter of fact, there is no statute called "Maharashtra Land Acquisition Act".

7. Another fact brought to our notice is disturbing. It is brought to our notice that a person had filed Public Interest Litigation (L) No. 27414 of 2025 raising similar issues with regard to the very same burial grounds, etc and that it was listed before the Division Bench headed by the Hon'ble

Chief Justice of this Court. On 17th December 2025, the said Public Interest Litigation Petition was withdrawn with liberty reserved for the Petitioner therein to avail of statutory remedies, if any, available to him. It was further clarified by the said Division Bench that withdrawal of the PIL Petition shall not be construed as if this Court had permitted the Petitioner therein to file a Suit/Petition/Application, which otherwise may not be maintainable. It is even further disturbing that neither filing of the said PIL, nor the said order dated 17th December 2025 has been mentioned in the present Petition.

8. We have made the aforementioned observations so that when this Petition is listed before the appropriate Bench, the said observations are taken into account. We are not passing any effective orders in this Petition including any directions in light of the conduct of the Petitioners herein, as we are of the opinion that this Petition cannot be taken up by this Bench as per the extant assignment.

9. Remove from the board.

10. To be placed before the appropriate Bench.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)