

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5952 OF 2026

Anil Jetha Dalvi and another ... Petitioners
Vs.
State of Maharashtra and others ... Respondents

Mr. Vipin Kamdi with Mr. Shrikant Kompelli i/b. VKLex and Associate for Petitioners.

Ms. G. R. Raghuwanshi, AGP for Respondent No.1 and 2-State.

Mr. Santosh Mali for Respondent Nos.3 and 4-BMC.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : MAY 05, 2026

P.C. :

. The petitioners have filed this petition alleging that possession of 6505 sq.mtrs. of land from Survey No.116, Hissa No.2 corresponding to CTS Nos.439A/3 and 439A/4 located in Village Pahadi, Goregaon, Mumbai was taken as far back as on 11.04.1972 and that, such possession was taken in the absence of any land acquisition proceeding. It is alleged that neither such acquisition proceeding was undertaken nor any award was rendered. In that context, Article 300A of the Constitution of India is invoked.

2. We find that the petition is filed on the basis of certain documents received in response to applications made under the Right to Information Act, 2005 by a person claiming to be the 'representative' of the petitioners.

3. We further find that for such alleged illegal possession taken on 11.04.1972, a letter dated 29.05.2025 was moved on behalf of the petitioners before the respondent Municipal Corporation, demanding

Transferable Development Rights (TDR) in lieu of the aforesaid land. In other words, the petitioners staked their claim after about 53 years. *Prima facie*, we do not find any explanation given as to why the petitioners woke up from their slumber after 53 years.

4. Nonetheless, it is alleged that even in terms of the response given by the officers of the respondents, there is nothing to indicate that a land acquisition proceeding was undertaken, culminating in the act of taking over possession on 11.04.1972.

5. Keeping the aspect of delay and laches open, issue notice, returnable on 29.06.2026.

6. Ms. Raghuwanshi, learned AGP waives notice on behalf of respondent Nos.1 and 2. Mr. Mali, learned counsel waives notice on behalf of respondent Nos.3 and 4.

7. Reply affidavits along with relevant documents be filed within six weeks from today. Rejoinder affidavit, if any, be filed before the next date of listing.

8. We make it clear that if the replies along with documents filed on behalf of the respondents show that there is no substance in the allegations levelled by the petitioners, this Court will impose heavy costs on the petitioners.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)