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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5973 OF 2014**

|                                   |                 |
|-----------------------------------|-----------------|
| M/s. Kumar Builders               | ... Petitioner  |
| Vs.                               |                 |
| The State of Maharashtra and Ors. | ... Respondents |

**WITH  
CIVIL APPLICATION (ST.) NO.34461 OF 2014  
IN  
WRIT PETITION NO.5973 OF 2014**

|                                   |                 |
|-----------------------------------|-----------------|
| Mrs. Vandana Singh and Ors.       | ... Applicants  |
| <u>In the matter between</u>      |                 |
| M/s. Kumar Builders               | ... Petitioner  |
| Vs.                               |                 |
| The State of Maharashtra and Ors. | ... Respondents |

Mr. Vineet B. Naik, Senior Advocate a/w Mr. M.S. Bodhanwala and Mr. Rushabh Mahesh Sheth i/by M/s. M.S. Bodhanwala & Co., for the Petitioner.

Mr. G.S. Godbole i/by Mr. Drupad Sopan Patil, for the Applicants/Interveners in CAW(ST.) No.34461 of 2014.

Mrs. M.P. Thakur, AGP, for Respondent Nos.1 to 4.

Mr. Abhijit P. Kulkarni, for Respondent No.5.

**CORAM : A.S. OKA &  
A.K. MENON, JJ.**

**DATE : 3<sup>rd</sup> FEBRUARY, 2015**

**PC.**

. Heard the learned Senior Counsel appearing for the Petitioner, the learned AGP for the first to fourth Respondents and the

learned counsel appearing for the fifth Respondent. We have also heard the learned counsel appearing for the Applicants in CA (ST.) No.34461 of 2014.

2. An affidavit of Shri Manish Mahesh Sapte, authorised signatory of the Petitioner is taken on record and marked 'X' for identification. The learned Senior Counsel appearing for the Petitioner states that Shri Manish Sapte, the authorised signatory is personally present in the Court.

3. We accept the undertakings incorporated in paragraphs 5 and 8 of the affidavit tendered today.

4. In view of the affidavit and in view of what is stated in paragraph 9 of the affidavit, we dispose of the Petition by passing the following order :-

**ORDER**

- (i) If an application is made by the Petitioner in terms of paragraph 6 of the affidavit tendered today, the Collector shall decide the amended application dated 14<sup>th</sup> May, 2012 as expeditiously as possible and in any event, within a period of three months from the date on

which application for amendment is made by the Petitioner;

- (ii) We make it clear that while considering the application, the Collector shall consider the effect of the judgment and order dated 9<sup>th</sup> December, 2009 passed by this Court in Writ Petition No.201 of 2008 (Shri Shirish Rupchand Dharmavat and 2 others vs. The State of Maharashtra and 2 others) which continues to bind the State of Maharashtra;
- (iii) We make it clear that all contentions as regards the merits of the application dated 14<sup>th</sup> May, 2012 are expressly kept open to be decided by the District Collector;
- (iv) The Petition is disposed of on above terms;
- (v) Civil Application does not survive and the same is disposed of.

**(A.K. MENON, J )**

**(A.S.OKA, J )**