

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

WRIT PETITION NO.13612 OF 2016

Axis Builders Pvt. Ltd. Company ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Raju D. Suryawanshi for the Petitioner.
Mr. P. G. Sawant, AGP for the Respondent Nos.1 to 3.

**CORAM : A.S.OKA AND
ANUJA PRABHUDESSAI, JJ.
DATE : 10/01/2017.**

P.C.:

. Heard learned counsel for the Petitioner and learned AGP for the Respondent Nos.1 to 3.

2. On 16th July 2015 a commencement certificate was granted by the 5th Respondent to the Petitioner. However, on the basis of section 42(A) incorporated in the Maharashtra Land Revenue Code (for short, “the said Code”) with effect from 22nd August 2014, the Collector issued a circular on 28th April 2015 addressed to the various Planning Authorities.

3. Our attention is invited to section 42A of the said Code and in particular sub-section (1) thereof. Without compliance thereof a development permission cannot be issued by the Planning Authorities. Therefore, the Commissioner of the 5th Respondent addressed a letter to District Collector (Revenue Branch) requesting the District Collector to decide the class of the land and its occupancy as well as any encumbrances in relation to the land which is sought to be developed by the Petitioner. The grievance is that notwithstanding the communication dated 9th November 2015, the District Collector has

not taken any steps.

4. In view of this limited grievance, we pass the following order:

- i) We direct the District Collector (Revenue Branch) to look into the letter dated 9th November 2015 (Exh.F) and to take appropriate action in accordance with law within a period of 3 months;
- ii) We direct the Petitioner to produce an authenticated copy of this order as well as a true copy of the letter dated 9th November 2015 in the office of the Collector, (Revenue Branch);
- iii) The Petition is disposed of, in above terms;
- iv) All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI,J)

(A.S.OKA,J.)