

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

WRIT PETITION LOD.NO.2542 OF 2017

Runwal Projects Pvt. Ltd.

.. Petitioner

-Versus-

State of Maharashtra & Ors.

..Respondents

Mr. Ravi Kadam, Senior Advocate with Mr. Saket Mone, Vishesh Kalra,
Subit Chakrabarti i/b. Vidhii Partners for petitioner
Mr. L.T.Satelkar, AGP for respondent Nos. 1 and 2
Mr. Sagar Patil for respondent No.3.

CORAM : SHANTANU S. KEMKAR &
ANUJA PRABHUDESSAI, JJ.

DATE : 14th September 2017.

P.C.

Feeling aggrieved by the notice dated 28th August 2017 Exhibit."A" and 31st August 2017 Exhibit "B" issued by the Tahsildar, Andheri on the basis of the complaint made by one Santosh Dondkar before the Collector, Mumbai on 13th July 2017, the petitioner has filed this petition.

2] According to the petitioner, a similar complaint was made by one Pratap Teli by filing an application before National Green Tribunal and the said complaint/ application Exhibit."M" was rejected

by the Tribunal vide order dated 2nd January 2017.

3] In these circumstances, according to the learned Senior Counsel for the petitioner, when the matter has already been decided by the National Green Tribunal, the Tahsildar has no jurisdiction to entertain the complaint at the instance of some other person.

4] It appears that against the impugned action, the petitioner has approached to the Secretary, Revenue of Government of Maharashtra. In our considered view, at the first instance, the petitioner has to approach the Collector pointing out the grievance and the objection about the proceedings which have been initiated at the instance of one Santosh Dondkar.

5] In the circumstances, without commenting upon the merits of the contentions raised by the petitioner in this petition, we dispose of the petition with liberty to petitioner to submit its representation with supporting documents before the Collector, Mumbai within ten days from today. On receipt of the same, the Collector shall take

appropriate decision on it within three months after giving opportunity of hearing to the petitioner as also to the complainant.

6] Till such decision is taken by the Collector, no coercive steps be taken against the petitioner in pursuance of the impugned communication.

7] With the aforesaid directions the petition is disposed of.

(ANUJA PRABHUDESSAI, J) (SHANTANU S. KEMKAR, J)