

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5906 OF 2024

Ashford Developers Pvt. Ltd.

...Petitioner

Versus

Union of India,
through Ministry of Power Shram
Shakti Bhawan & Ors.

...Respondents

Mr. Cyrus Ardhesir a/w. Mr. Sarosh Bharucha, Mr. Hrushi Naverkar, Ms. Anuja Jhunjhunwala and Ms. Shriya Mehta i/b. M/s. M. Mulla Associates for the Petitioner.

Mr. Harsh Moorjani a/w. Mr. Devesh Juvekar, Ms. Kavita Brid Chavan, Adv. Honey Chandnani i/b. M/s. Rajani Associates for Respondent No.3 (MUMML).

CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.

DATE : 9th MAY 2024

PC.:

1. Leave granted to implead the Deputy Superintendent of Land Records, Ambernath, Taluka Ambernath, District Thane as Respondent No.4. The amendment be carried out forthwith. Re-verification is dispensed with.

2. A direction is sought by the Petitioner in terms of the order dated 19th January 2022 passed by the Competent Authority under the Electricity Act by which Respondent No.3 was directed to undertake a survey and measure the land in question owned by the Petitioner.

3. It is submitted by Respondent No.3 that in accordance with the said order, a communication dated 31st January 2024 has been addressed to Respondent No.4 to undertake such survey. Further steps in this regard is awaited. Considering the fact that the Collector by his order dated 19th January 2024 has directed to Respondent No.3 to measure the area and undertake the survey coupled with the fact that steps in that direction have been taken by Respondent No.3, the following directions would serve the ends of justice:-

- (a) The Respondent No.4 shall take appropriate steps in accordance with law and undertake the measurement in terms of the order of the Collector dated 19th January 2024 and the request made by Respondent No.3 on 31st January 2024. The needful be done within a period of eight weeks of receiving copy of this order. The Respondent No.4 to give prior notice to the Petitioner as well as Respondent No.3 before undertaking the measurement.
- (b) After the measurement is carried out, the report be submitted to the District Magistrate, who can thereafter proceed further in the matter.
- (c) The Respondent No.2 shall consider the application

moved by the Petitioner on 14th February 2024 and take necessary steps after receipt of the Measurement Report from Respondent No.4.

4. All the points on merits are expressly kept open. The Writ Petition is disposed of in the aforesaid terms. The parties to act on an authenticated copy of this order.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)