

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

WRIT PETITION NO.3155 OF 2024

M/s. F.M. Associates, Kalyan, Dist. Thane .. Petitioner

Vs.

The State of Maharashtra,
Through Neral Police Station and Ors. .. Respondents

Mr. Uzain Kazi with Mr. Rohit Vaishye, Advocates, i/by YMK Legal, for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader with Mrs. Reena A. Salunkhe, Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Sachin Thorat, Advocate for Respondent No.6.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 23RD AUGUST, 2024.

PC. :

1. Heard.
2. The challenge raised in this writ petition is to the communication dated 13th December 2023 that has been issued by the Collector, Raigad directing the petitioner to withhold construction activity that was being undertaken on the subject land being Survey No.144/1, Mauje Damat, Taluka Karjat. By the said communication, it has been stated that these proceedings were initiated at the behest of respondent no.6. A report of the Superintendent of Land Records and Assistant Director, Town Planning was directed to be submitted vide communication dated 29th November 2023. That report was awaited. Hence, the petitioner was directed to stop construction activities till the proceedings were decided.

3. On hearing the learned counsel for the parties, we find that the exercise undertaken by the Collector is in progress. All parties have filed necessary documents before the Collector. It would therefore be necessary for the Collector to take an appropriate decision in accordance with law in the matter. In our view, the following directions would serve the ends of justice :

- (a) The parties are at liberty to place before the Collector additional documents within a period of one week from receipt of copy of this order.
- (b) The Collector shall take a final decision in the aforesaid proceedings within a period of four weeks of such additional documents being filed by the parties.
- (c) The proceedings be decided on their own merits and in accordance with law.
- (d) Any party aggrieved by the aforesaid adjudication is free to seek legal redress in accordance with law.
- (e) It is made clear that we have not examined prayer clauses (c) to (e) of the writ petition and the petitioner is free to agitate the same in accordance with law.

4. Keeping all points on merits open, the writ petition is disposed of.

5. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]