

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

(8) WRIT PETITION NO. 14022 OF 2023

Borivali New Rajesh Park Chs Ltd. ...Petitioner
Versus
The Collector Mumbai Suburban And Ors ...Respondents

AND

(9) WRIT PETITION NO. 15741 OF 2023

Borivali Rajesh Park Chs Ltd. ...Petitioner
Versus
State Of Maharashtra Dept Of Revenue And Ors ...Respondents

AND

(10) WRIT PETITION NO. 12010 OF 2024

Borivali New Rajeshpark Chs. Ltd. ...Petitioner
Versus
State Of Maharashtra Department Of
Revenue And Forest And ors ...Respondents

Mr. Girish Godbole, Sr. Adv. a/w Mr. Sachindra B. Shetye a/w Mr. Tushar Shah a/w Mr. Santosh Rane a/w Mr. Akshay Pansare a/w Ms. Dhanashri Mondkar-Hule a/w Ms. Vrushali Shivgan a/w Ms. Ankita Jain for Petitioner.

Mr. Murthy Shreepad a/w Mr. Abhishek Patil a/w Mr. Sachin Mhatre a/w Ms. Sharmili Mhatre i/b Enlight Juris for Respondent No. 4 in WP 14022/2023 and for Respondent No. 6 in WP 12010/2024.

Ms. Triveni Jani i/b Mr. S. B. Jani for Respondent No. 5 in WP 14022/2023 and for Respondent No. 7 in WP 15417/2023 and for respondent No. 7 in WP 12010/2024.

Ms. S. D. Vyas, Addl. GP a/w Ms. P. N. Diwan, AGP for State in WP 14022/2023, WP 12010/2024.

Ms. S. D. Vyas, Addl. GP a/w Mr. M. M. Pabale, AGP for State in WP 15741/2023.

Mr. Om Suryavanshi for Respondent No. 6 and 7 (MCGM).

**CORAM : K. R. SHRIRAM &
JITENDRA JAIN, JJ.
DATED : 30th AUGUST 2024**

PC. :

1 After the petitions were heard for sometime, without going into the merits of the matters, the following common order is passed by consent.

(a) The orders dated 14th July 2023, 19th July 2023, 26th July 2023 and 28th July 2023 passed by the Collector, Mumbai Suburban District, are hereby quashed and set aside and the matters are remanded to the Collector for denovo consideration.

(b) If any of the parties are seeking to rely on any documents or the Collector is relying on any documents, copy thereof shall be made available to petitioner, i.e. Borivali New Rajesh Park CHS Ltd., Jai Matru Ashish CHSL and Jay Dena CHSL.

(c) If any of the parties wish to file any further submissions on receipt of these documents, they may do so within 7 working days of receipt of those documents.

(d) Before passing any order, which shall be a reasoned order dealing with all submissions of parties, the Collector shall give a personal hearing, notice whereof shall be communicated atleast 5 working days in advance. The notice may be given to advocate, who has entered appearance for the respective parties before the Collector. If the order to be passed is in Marathi language, then Collector shall provide the English Translation of the order to the parties, otherwise the Collector may pass the order in English.

(e) Should parties wish to file any written submissions after the personal hearing, the same to be filed and copy served within three working days thereof.

(f) The Collector shall dispose the proceedings on or before 31st October 2024.

(g) All rights and contentions of the parties are kept open.

(h) At cost of repetition, we clarify that we have not considered any of the contentions raised by the parties in any of the petition.

2 The parties may apply to the registry for copies of the mediation reports dated 18th April 2024 and 18th July 2024 upon paying necessary photocopying charges.

3 We should also note that Mr. Murthy on instructions made a statement that the additional area claimed in the Deed of Rectification dated 20th December 2021 over and above the area mentioned in the conveyance dated 12th November 2014, will not be claimed by Jay Matru Ashish CHSL. Statement accepted as an undertaking to this court.

4 Petitions disposed.

5 Consequently, interim applications also stand disposed.

(JITENDRA JAIN, J.)

(K. R. SHRIRAM, J.)