

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16709 OF 2024
WITH
INTERIM APPLICATION NO. 3010 OF 2025

Rajkumari Sharma ...Petitioner
Versus
The State Of Maharashtra Thr Collector
Of Thane And Anr ...Respondents

WITH
WRIT PETITION NO. 16711 OF 2024
WITH
INTERIM APPLICATION NO. 3011 OF 2025

Yash Textiles Machines Pvt Ltd Thou.
Director Navin Yashpal Sharma. ...Petitioner
Versus
The State Of Maharashtra Throu. Collector
Of Thane And Ors ...Respondents

Ms. Shweta Rathod i/b Elixir Legal Services, for the Petitioners.
Ms. Neha Bhide, GP a/w Ms. S.A Prabhune, AGP for Respondent-State.
Adv. R.M. Haridas i/b Dilip Shinde, for Intervener/Applicant.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 19 MARCH 2025

P.C.:

1. On the backdrop of the earlier orders, Mr. Haridas, learned counsel for the intervener/applicant is before the court. He submits that two demand drafts drawn on Yash Textiles Machines Private Ltd. and Rajkumari Sharma, respectively of Rs. 46,20,399/- and Rs. 47,06,347/- are handed over to advocate

for the petitioners being the amount due and payable under the recovery warrant issued by the MahaRERA. Learned counsel for the petitioner would submit that such demand drafts are being accepted by her client. In this view of the matter, in our opinion further adjudication of the petition is not warranted.

2. We appreciate the steps taken by the Collector, Thane as also the Tahsildar, Ambernath who have taken effective steps in executing the recovery warrants in question and it is only because of their efforts, the present proceedings could come to an end in the manner as stated above and in the earlier orders. However, as a matter of abundant caution, as the demand drafts would be now deposited by the petitioners in the respective bank accounts and the amount would be realized, we order that in so far as the recovery warrants in question are concerned, the discharge of the same shall take effect on 25 March 2025. In the event any non realisation of the instruments or any other issue of the parties have any urgent issue to be brought before the court, liberty to apply.

3. We have also taken on record the circular dated 11 March 2025 issued by the resident Deputy Collector in regard to a mechanism which is set out in the said circular in regard to the expeditious steps to be taken on the recovery warrant. The resident Deputy Collector is also directed to forward the circular to the registry of Maha-RERA. So that early action in regard to the recovery warrant shall be taken. We appreciate the stand taken by the concerned authority. The circular is filed as an annexure to the Affidavit of Mr. Amit Dattatraya Puri, Tahsildar, Ambernath, Dist. Thane, (page -192). We are of the clear opinion that considering an earlier orders and now the circular the

Collector as also the Tahsildar should meticulously follow the circular so that no recovery warrants shall be kept pending. In the event, they are kept pending, the concerned officers shall furnish reasons in appropriate proceedings.

4. We clarify that in so far as any other recoveries are concerned, it is free for the Revenue authorities to take appropriate steps, as the law would warrant. We do not express any opinion on these issues.

5. Both writ petitions stands disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]