

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16709 OF 2024
WITH
INTERIM APPLICATION NO. 3010 OF 2025 (N.O.B. T.O.B.)

Rajkumari Sharma ...Petitioner
Vs.
The State of Maharashtra, through
Collector of Thane & Anr. ...Respondents

AND
WRIT PETITION NO. 16711 OF 2024
WITH
INTERIM APPLICATION NO. 3011 OF 2025 (N.O.B. T.O.B.)

Yash Textiles Machines Pvt. Ltd. through
Director Navin Yashpal Sharma ...Petitioner
Vs.
The State of Maharashtra, through
Collector of Thane & Anr. ...Respondents

Ms. Shweta Rathod with Ms. Tahira Siddique i/b. Elixir Legal Services for
the Petitioner.
Smt. Neha Bhide, GP with Ms. S. A. Prabhune, AGP for the State.
Mr. R. M. Haridas i/b. Mr. Dilip Shinde for Applicants/Interveners.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 26 FEBRUARY 2025

P.C.

1. In pursuance of our order dated 07 February 2025, the Tahsildar, Thane, has taken appropriate action to execute the recovery warrants as issued by MahaRERA. Also in compliance of the said order, Mr. Ashok Shingare, Collector, Thane has placed on record an affidavit in reply. We

have perused the said affidavit. There is no dispute in regard to the rules which are required to be followed in executing the recovery warrants. However, what has disturbed us and more particularly from what has been observed by us in paragraph 9, 10 and 11 of the order dated 07 February 2025 is concerned, is that the Collector is required to sensitize the recovery machinery in his office and the officers as involved. To be more specific, he needs to issue a circular for effective steps to be taken, so that the recovery warrants are not delayed in any manner at the hands of any of the officers involved in executing such warrants.

2. We accordingly direct the Collector to issue appropriate orders/instructions/circular in that regard so that the persons who are awaiting the fruits of the recovery warrants are not required to wait endlessly, as in the present case and remain at the mercy of the Revenue officials. The Collector shall also address the issue of the appropriate accountability being fixed, of each and every official who would be required to discharge his relevant duty under the recovery warrants. Ms. Bhide, learned G.P. has fairly stated that such circular would be issued and would be placed on record of this Court on or before the adjourned date of hearing.

3. In so far as the relief in the proceedings are concerned, today we have two intervention applications filed by Darshana Anand Damle and one Hardik Bharat Patel, who claim to be the owners of the land. Mr. Haridas,

learned advocate has represented the interveners. It is his submission that respondent no.3-developer has abandoned the project and the project is now being taken forward by the interveners. It is the interveners contention that now as the orders are passed by the Collector executing the recovery warrants, prejudice is being caused to the interveners. It is stated that the interveners shall honour all the recovery warrants and make payment to the petitioner alongwith interest, as early as possible and in any event within a period of 20 days from today. We accept the statement as made on behalf of the interveners. Such amounts along with interest be deposited by the interveners with the MahaRERA.

4. The amount deposited by the interveners with MahaRera is permitted to be withdrawn by the petitioners. An intimation of such deposit also be made to the Collector and the Advocate for the petitioners.

5. Representative of the applicants/intervenors is present in the Court. If such payment is received by the petitioners, we shall proceed to pass further appropriate orders.

6. The State Government to place on record the Circular to be issued by the Collector.

7. Accordingly, stand over to **19 March 2025 (H.O.B.)**.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)