

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16709 OF 2024

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Rajkumari Sharma

... Petitioner

Versus

The State of Maharashtra through Collector of Thane ... Respondents
and anr.

WITH
WRIT PETITION NO.16711 OF 2024

Yash Textiles Machines Pvt. Ltd.
Through Director Navin Yashpal Sharma

... Petitioner

Versus

The State of Maharashtra through Collector of Thane ... Respondents
and anr.

Ms. Shweta Rathod a/w Ms. Tahira Siddique i/b. Elixir Legal Services for
the Petitioner.

Ms. Savita Prabhune, AGP for the Respondent - State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 30 JANUARY 2025

P.C.

1. We have heard these Petitions in the first Session for sometime to enable the learned AGP to take instructions from the Tahsildar, Thane as to what action has been taken in regard to the execution of the recovery warrants both dated 23 October 2020 as issued by the Member – II, MahaRERA, Mumbai, we hand over the proceedings to be called out in the second session.
2. The learned AGP has taken some instructions whereby she has placed on record that on 20th October 2021, the office of the Collector (Revenue),

Thane had written a letter to the Member and Adjudication Officer, Maharashtra Estate Regulatory Authority, Thane responding to the receipt of the warrants of execution, however, it appears that no action has been taken despite almost more than 4 years having been passed.

3. We find that the approach of the Tahsildar is not acceptable and certainly it would not satisfy the mandate of the provisions of law which he requires to implement or execute.

4. We would, therefore, direct the Tahsildar, Thane to place on record an Affidavit in both Petitions in regard to the date-wise actions taken by him.

5. We are informed that today the orders are being passed to attach the bank account of the Respondents in pursuance to the existing execution warrants. Let all the details in that regard be placed on record of this Court on Affidavit. The necessary action be taken and be informed to the Court on the adjourned date of hearing.

6. Stand over to 31 January 2025 at 2.30 p.m.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)