

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16709 OF 2024

Rajkumari Sharma ...Petitioner
Vs.
The State of Maharashtra Thr. Collector, Thane & Anr. ...Respondent

AND

WRIT PETITION NO. 16711 OF 2024

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

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

Ms. Savita Prabhune, AGP for Respondent-State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 31 JANUARY 2025

P.C.

1. In compliance of our order dated 30 January 2025, the Tahsildar, Ambarnath has placed on record affidavits in both these petitions stating the steps taken by him to execute the recovery warrants dated 23 October 2023 issued by the MahaRERA. The affidavits are taken on record.

2. Issue notice to respondent No.3, returnable on **7 February 2025 (HOB)**. Hamdast Permitted. In addition to Court Notice, learned counsel for the petitioner is permitted to serve the respondent No.3 by private

notice by all permissible modes and place on record affidavit of service before the returnable date.

3. In the event, respondent No.3 is not represented on the adjourned date of hearing, we shall hear the petitioner and the learned Assistant Government Pleader for respondent Nos.1 & 2 and pass further appropriate orders. We would also hear the learned AGP on the affidavits as placed on record today and whether they would amount to an appropriate compliance of the powers and authority vested in the Tahsildar in executing the recovery warrants as issued by the MahaRERA, and more particularly, concerning not only the case of the petitioner but similar cases which would reach revenue officials.

4. In the meantime, we direct that the Tahsildar, Ambarnath shall take further appropriate steps including to follow the norms of the Reserve Bank of India in attaching the Back Accounts of respondent No.3 linked to the PAN Number of Respondent No.3 which is already available on record. As already the properties, movable and immovable, of respondent No.3 are subject matter of attachment, respondent No.3 is directed not to deal, in any manner, with its movable and immovable properties. A copy of this order be also forwarded to the Registrar of Companies and the Income Tax Authorities.

5. Stand over to **7 February 2025 (HOB)**. Learned AGP to report the further steps being taken and on affidavit.
6. Copy of this order be also served along with the notice to be issued by the advocate for the petitioner as also the office.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)