

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6072 OF 2024**

M/s. Bhavesh Stone Crushing	...Petitioner
Versus	
Sub-divisional Officer and ors.	...Respondents

**WITH
WRIT PETITION NO. 6069 OF 2024**

Narayan Gajanan Thakur	...Petitioner
Versus	
Sub Divisional Officer and ors.	...Respondents

**WITH
WRIT PETITION NO. 6070 OF 2024**

M/s Bluestar Construction Through Pandurang Gajanan Thakur	...Petitioner
Versus	
Sub Divisional Officer and ors.	...Respondents

**WITH
WRIT PETITION NO. 6071 OF 2024**

M/s Manoj Infratech Pvt Ltd Through Satish Gajanan Bhoir	...Petitioner
Versus	
Sub Divisional Officer and ors.	...Respondents

Mr. A. Y. Sakhare, Senior Advocate with Mr. Sanket Thakur, Mr. Dipak Thakur and Ms. Rajashree Thakur, Advocate for the Petitioner in all petitions.

Mr. Pankaj P. Deokar, APP for Respondent-State.

Ms. Anjali Helekar, Advocate for Respondent No.3-MMRDA.

Mr. Jugal Kanani, Advocate for Respondent No.4 in all petitions.

Dr. Sunil Jadhav, Naib Tahasildar, SDO Office, Panvel present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2025.

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SHANKAR
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P.C. :

1. By these four writ petitions, the petitioners have challenged the order dated 5th December 2024 passed by the Sub-Divisional Officer at Panvel (SDO). As the challenge in all the petitions is in respect of the same order, I am deciding these writ petitions by this common order :

2. It is contention of learned senior counsel appearing on behalf of the petitioners that the petitioners are the owners and occupier of lands situated in Village Jasai, Taluka-Uran, District-Raigad. The said lands are classified as free-hold class-1 unacquired non-agricultural lands where the petitioners operate stone crushing plant. The said businesses are conducted after securing all requisite permissions and licenses issued by the relevant competent authorities and obtaining statutory clearances as required including consent from Maharashtra Pollution Control Board. Learned senior counsel further submitted that the petitioners' stone crushing plant operations complied with pollution norms and does not involve blasting or mining and have been operational for more than past 24 years with permissions of relevant government authorities including respondent No.1 himself. Learned senior counsel further submitted that respondent No.1 has issued show cause notice and has passed the impugned orders prohibiting the petitioners from carrying activities of stone crushing in their respective lands. Learned senior counsel further submitted that a meeting was held between respondent Nos.1 to 3 and

experts. In the said meeting, an undertaking given by the petitioners that the petitioners would not carry any blasting, extracting or mining activities in the said lands was accepted and taken on record. The petitioners have filed an undertaking before this Court in that regard. Learned senior counsel further submitted that the petitioners would undertake that they will provide information of procurement of stones to respondent No.1-SDO on or before 10th day of every month as to from whom the stone was procured and the transport route of the said stones. Considering these facts, learned senior counsel submitted that the petitioners be allowed to carry out their activity of stone crushing in their respective lands.

3. It is contention of learned APP for respondent Nos.1 and 3 that the petitioners must abide by the undertaking given before this Court. If any violation is noticed, permission be given to respondent No.1 to take action against the petitioners by issuing show cause notices to them.

4. It is contention of learned counsel for respondent No.3 that direction be given to the petitioners not to cause any threat or any damage to the Atal Setu by their activities.

5. I have heard all learned counsel, perused the impugned order passed by respondent No.1. After passing of the order by respondent No.1, meeting was held between respondent Nos.1 to 3 and the experts. The minutes of the meeting held on 2nd December 2024 are produced before this Court. In the said minutes, it is held as to how the petitioners will carry their stone crushing business in the said lands. The petitioners

have filed an affidavit of undertaking as per the said minutes before this Court. In the said undertakings, the petitioners have agreed that they will carry out only stone crushing activities in their respective lands and they will take care that no damage is caused to Atal Setu by their activities. Learned senior counsel appearing on behalf of the petitioners, on instructions, has undertaken that the petitioners will provide the information of procurement of stones and transport route of the stones to respondent No.1-SDO on or before 10th day of every month. Considering these facts, I pass following order :

ORDER

1. The petitions are allowed.
2. Impugned orders dated 5th December 2024 are quashed and set-aside.
3. The minutes of meeting dated 2nd December 2024 and undertaking filed by the petitioner in Writ Petition No.6072 of 2024 are marked as "X collectively" for identification.

The writ petitions stand disposed of in above terms.

(SHIVKUMAR DIGE, J.)