

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10465 OF 2025**

Pankaj Shah ... Petitioner
V/s.
The Collector, Palghar & Ors. ... Respondents

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Mr. Yatin R. Shah for the Petitioner.
Mr. N.C. Walimbe, Addl.G.P. a/w. Smt. Ashwini A. Purav, AGP
for Respondent Nos.1,2,3 and 5.
Mr. S.R. Nargolkar a/w. Ms Neeta Patil for Respondent No.4.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.**
DATE : 4th AUGUST, 2025.

P.C.

1. Heard Shri. Yatin Shah, learned counsel for the petitioner and Shri. S.R. Nargolkar, learned counsel for respondent No.4.
2. Learned counsel for the petitioner referring to the representation dated 9th May 2025, which is at page No.29 of the paper-book, alleged that the respondent No.4 is illegally carrying out mining activities on the lands belonging to the petitioner.
3. On the other hand, Shri. Nargolkar, learned counsel for respondent No.4, submits that a civil suit filed by the petitioner for mandatory injunction and for compensation is pending before the competent Civil Court. Shri. Nargolkar submitted that respondent No.4 is the owner of suit properties and is carrying on all the activities in the properties which are belonging and / or ownership of him. It is submitted that there is a dispute between the petitioner and respondent No.4 for

which the petitioner has filed the civil suit alleging that respondent No.4 has encroached upon the properties of the petitioner and carrying on illegal mining activities. Shri.Nargolkar submits that as the dispute is pending in the Civil Court, it would be futile exercise to direct the Collector to decide the representation as the same can be considered only upon conclusion of the suit.

4. At present, we do not wish to express any opinion on merits of the case. If any mining activities are carried on in breach of the provisions of law, it is always open for the competent authorities to take appropriate actions. However, the issue of title is already pending before the competent Civil Court. These objections, including the jurisdiction of the Collector, can always be raised by respondent No.4 before the Collector. Accordingly, the petitioner as well as respondent No.4 to appear before the Collector, Palghar on 20th August 2025 at 11.00 a.m along with copy of this order. The Collector shall then schedule the hearing accordingly.

5. Respondent No.4 may raise all permissible objections, including the jurisdiction of the Collector, in view of the pending civil suit. Such objections shall be considered by the Collector on their own merits.

6 Keeping all contention open, the Petition is disposed of.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)