

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13421 OF 2025

M/s. F. M. Associates

...Petitioner

Vs.

District Collector, Raigad & Ors.

...Respondents

Mr. Kishor Patil i/b. Mr. Pratik Rahade for Petitioner.

Mr. Kedar Dighe, Addl. G.P. with Ms. M. S. Bane, AGP for State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 14 OCTOBER 2025.

P.C.

1. We have heard learned counsel for the parties.
2. The substantive prayers as made in the petition at the out set need to be noted which read thus:-

“a) Issue and appropriate writ/order to direct the Respondent No. 1 to decide the representation dated 21.08.2025 in consonance to the order dated 23.07.2025 passed by the Respondent No. 2;

b) Issue and appropriate writ / order to quash and set aside the notice dated 13.12.2023 in view of the order dated 23.07.2025 passed by the Respondent No. 1.”

3. Mr. Patil, learned counsel for the petitioner has however confined the prayers to prayer clause (a) which is in respect of the petitioner's representation dated 21 August 2025 be decided by the District Collector, Raigad and more particularly considering the final orders which were passed by the District Collector, Thane dated 23 July 2025 and accordingly taken appropriate view in regard to the stop work notice dated 13 December 2023, as issued by the Collector, Raigad in respect of the land in question. We may observe that the

petitioner had earlier approached this Court in the proceedings of Writ Petition No. 3155 of 2024 which came to be disposed of by an order dated 23 August 2024 passed by the co-ordinate Bench of this Court in terms of the following operative directions:-

- “(a) The parties are at liberty to place before the Collector additional documents within a period of one week from receipt of copy of this order.
- (b) The Collector shall take a final decision in the aforesaid proceedings within a period of four weeks of such additional documents being filed by the parties.
- (c) The proceedings be decided on their own merits and in accordance with law.
- (d) Any party aggrieved by the aforesaid adjudication is free to seek legal redress in accordance with law.
- (e) It is made clear that we have not examined prayer clauses (c) to (e) of the writ petition and the petitioner is free to agitate the same in accordance with law.”

4. In pursuance of the aforesaid directions, the proceedings were taken up by the Collector and final order dated 23 July 2025 came to be passed in favour of the petitioner which is to the effect that the complainant's application came to be rejected, as also the stop work notice dated 13 December 2023 as issued by the Collector, Raigad being required to be cancelled, and that appropriate steps in that regard be taken, was also ordered. In pursuance of such order, the petitioner had made a representation dated 21 August 2025 to the Collector, Raigad, which now needs to be taken to the logical conclusion in view of the final order dated 23 July 2025 passed by the Collector, Thane.

5. In this view of the matter, although the complainant is before the Court, in our opinion, no prejudice would be caused, if the petition is disposed of by directing the Collector, Raigad to decide the petitioner's representation dated 21

August 2025 after hearing the petitioner and the original complainant Sameer Abdul Haq Naje in accordance with law as expeditiously as possible and in any event within a period of four weeks from the date this order is presented before the Collector, Raigad. All contentions of the parties in that regard are expressly kept open.

6. We do not intend to delve on any issues which may arise under the order dated 23 July 2025 in regard to which the parties are free to assert their respective contentions.

7. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)