

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2736 OF 2025**

Kesharinath Bhagat
through Authorized Person – Shri Pratik Arun Naik ...Petitioner
Versus

1. The State of Maharashtra through
the Commissioner, M.M.R.D.A.(Mumbai
Metropolitan Region Development
Authority).
2. Sub-Divisional Officer,
Panvel, Taluka Panvel,
District Raigad. ...Respondents

Mr. Drupad S. Patil, Advocate for the Petitioner.

Mr. Akshay Shinde, Advocate for Respondent No.1-MMRDA.

Mr. Pankaj P. Deokar, APP for Respondent No.1-State.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 7th May, 2025.**

P.C. :

1. By this writ petition, the petitioner has challenged the order dated 28th June 2024 passed by respondent No.2-Sub-Divisional Officer /Sub-Divisional Magistrate, at Panvel (SDO).

2. It is contention of learned counsel appearing on behalf of the petitioner that the petitioner is occupier of land bearing Survey No.85/1, 84/2, 85/3A at village Ekatghar, Taluka Uran, District Raigad within the limits of Group Grampanchayat Jasai, where the petitioner operates stone crushing plant under the name and style of M/s.Monish Stone Crusher. The said business is 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 counsel further submitted that the petitioner's stone crushing plant operations complied with pollution norms and does not involve blasting or mining and have been operational for more than past 15 years with permissions of relevant government authorities including respondent No.2 himself. Learned counsel further submitted that respondent No.2 has issued show cause notice and has passed the impugned order prohibiting the petitioner from carrying activities of stone crushing in his land. Learned counsel further submitted that a meeting was held between respondent Nos.1 to 2 and experts. In the said meeting, an undertaking given by the petitioner that the petitioner would not carry any blasting, extracting or mining activities in the said land was accepted and taken on record. The petitioner has filed an undertaking before this Court in that regard. Learned counsel further submitted that the petitioner would undertake that he 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 counsel submitted that the petitioner be allowed to carry out their activity of stone crushing in their respective lands.

3. It is contention of learned APP that the petitioner must abide by the undertaking given before this Court. If any violation is noticed,

permission be given to respondent No.2 to take action against the petitioner by issuing show cause notices to him.

4. It is contention of learned counsel for MMRDA that direction be given to the petitioners not to cause any threat or any damage to the Atal Setu by his activities.

5. I have heard all learned counsel, perused the impugned order passed by respondent No.2. The petitioner has filed an affidavit of undertaking before this Court. In the said undertaking, the petitioner has agreed that he will carry out only stone crushing activities in this land only and he will take care that no damage is caused to Atal Setu by his activities. Learned counsel appearing on behalf of the petitioner, on instructions, has undertaken that the petitioner will provide the information of procurement of stones and transport route of the stones to respondent No.2-SDO on or before 10th day of every month. Considering these facts, I pass following order :

ORDER

1. The petition is allowed.
2. Impugned order dated 28th June 2024 is quashed and set-aside.
3. The undertaking filed by the petitioner is taken on record marked as "X" for identification.

The writ petition stands disposed of in above terms.

(SHIVKUMAR DIGE, J.)