

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2346 OF 2025

Dinesh Babaji Phatak

... Petitioner

Versus

The State of Maharashtra

... Respondent

.....

Mr. Shubham Bane a/w. Ms. Pooja Bane, Ms. Shefali Jadhav i/b Mr. Sandeep Bane for the Petitioner.

Mrs. Vrushali Kabre, AGP for Respondent Nos.1 to 3.

Mr. Bhushan Deshmukh a/w. Mr. Hamid Ahmad for Respondent No.5.

CORAM : **M. S. KARNIK AND**
N. R. BORKAR, JJ.

DATED : **04th JULY, 2025.**

P.C. :

1. Heard learned counsel for the petitioner.
2. Learned counsel for respondent No.5 raised an objection that the present petition is not maintainable as the petitioner has no concern with the subject matter.
3. Mr. Bane, learned counsel for the petitioner submits that there is an illegal excavation in the matter of re-development of the society and detailed representation has been made to the Collector on 11.02.2025 which is at page 45. It is further pointed out that vide communication dated 10.03.2025 the District Mining Officer has informed the Tahsildar, Kurla to inquire into the matter regarding unauthorised excavation and accordingly report be submitted to the them.
4. If that is so, it is open for the petitioner to pursue the matter with the

Tahsildar, Kurla as action has already been taken.

5. Needless to mention the Tahsildar is bound to submit the report in terms of the communication dated 10.03.2025 which is at page 59 of the petition.

6. Since the District Mining Officer is seized with the matter who undoubtedly will take the issue to its logical conclusion, we do not propose to pass any further order.

7. The petition is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)