

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1868 OF 2026

Vaijayanti Raghunath Kalekar

VERSUS

Addl Divisional Commissioner Konkan Vibhag Mumbai And Ors.

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Ms. Vaijayanti R. Kalekar, Petitioner party in person.

Mr. B.V. Samant, Addl G.P. a/w Mr. V.M. Mali , AGP for
Respondent/State.

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CORAM : MILIND N. JADHAV, &
NANDESH S. DESHPANDE, JJ.

DATE : 15th JUNE, 2026.

P.C. :

1. Heard Ms. Vaijayanti R. Kalekar, petitioner in person. The limited grievance of the petitioner is that, despite a specific order of remand of hearing to the Additional Collector with regard to non-completion of the ETS survey by the Divisional Commissioner, it is the petitioner's grievance that the Additional Collector has not implemented the said order. The petitioner's grievance is that, in the meanwhile, indiscriminate mining is being continued on the petitioner's land bearing Gat No. 1046, which is the subject matter

of the present petition. She would submit that the said land is ancestral land belonging to the petitioner and her family members. According to the petitioner, there appears to be collusion between the State functionaries and the persons who are carrying out the quarrying on the subject land.

2. Be that as it may, the limited issue before us is the direction of remand issued by the Divisional Commissioner and its implementation.

3. Per contra, Mr. B.V. Samant, Addl G.P. a/w Mr. V.M. Mali, learned AGP, informs the Court that, according to instructions, ETS survey was carried out. However, the petitioner immediately interjects and points out that the said ETS survey was never completed and never reached fruition. This is an important aspect as to why the petitioner is aggrieved and is before the Court. The second submission of the petitioner is that, while the order passed by the Divisional Commissioner was sought to be implemented by the Additional Collector, paragraph Nos. 6 and 7 of the said order came to be deleted, which the petitioner came to know of when she had visited the office of the Additional collector for apprising him of the said order. This aspect is also crucial because, in paragraph Nos.

6 and 7 of the order passed by the Divisional Commissioner, a copy of which is appended at page No. 63 of the petition, it is directed that, in the meanwhile, the quarrying activity would be halted. The grievance of the petitioner, prima facie, emanates from the aforesaid facts. If there was such a direction indeed, the Additional Collector ought to have complied with the same. The petitioner's grievance is that, qua the petitioner's subject land bearing Gat No. 1046, the quarrying activity is being continued.

4. In that view of the matter, the present petition can be worked out by directing the Additional Collector to hear the petitioner during the course of the proceedings.

5. Mr. B.V. Samant, Addl G.P a/w Mr. V.M. Mali, learned AGP, apprises the Court that a hearing has been fixed on 23.06.2026, where the petitioner will be heard by the Collector. The Collector, before hearing the petitioner, is required to call for a report from the Additional Collector as per the directions given by the Divisional Commissioner. According to the instructions received by the learned Government Pleader, such a report, dated 27.04.2026, has already been submitted, and a copy thereof has also been furnished to the petitioner in Court today. The annexures to the said report are

however missing. They shall be supplied to the petitioner within two days from today. The petitioner to give her e-mail ID to the Government Pleader to enable the Government Pleader to send the annexures to the petitioner.

6. The petitioner shall file her affidavit/reply to the said report, or objections thereto, if any, before the Collector. The Collector is directed to hear the petitioner on the basis of this report, on the issue of completion of the ETS survey, and on the issue of deletion of paragraph Nos. 6 and 7 contained in the Divisional Commissioner's order directing the stay of mining activity in the interregnum. On all the aforesaid issues, the petitioner shall be heard, and the Collector shall thereafter pass an appropriate order within a period of two weeks from the conclusion of the hearing. In the event if the hearing scheduled on 23.06.2026 gets extended, the Collector shall accordingly extend the hearing. However, in any event, the hearing shall be completed within a period of four weeks from 23.06.2026 and no further. Under no circumstances shall the hearing be prolonged or unnecessarily extended in view of the grievance made by the petitioner. Once the hearing is concluded, the Collector shall pass an appropriate speaking reasoned order within a

period of two weeks therefrom, and a copy of the same shall be served upon the petitioner by the Collector.

7. One of the reasons as to why the ETS survey was required to be completed in its entirety was because, pursuant to the removal of minor minerals and the quarrying activity, the said activity, including the excavation of pits and their subsequent refilling with soil, would undoubtedly be revealed in a properly conducted ETS survey. If only a partial ETS survey is carried out, the purpose thereof would stand defeated. This Court, therefore, directs the Collector to ascertain whether the entire ETS survey of the subject land was carried out and determine the issue.

8. The petition is disposed of in the above terms. All contentions of the parties are otherwise kept open.

[NANDESH S. DESHPANDE, J.]

[MILIND N. JADHAV, J.]

Shubham