

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6242 OF 2024

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Vasant Shankar Jadhav and Anr.

...Petitioners

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr.Aakash Joshi a/w Ms.Pratiksha Thakur and Ms.Dipika Kumari Mishra, Advocates for Petitioners.

Mr.A.I.Patel, Addl.G.P. a/w Ms.Reena A. Salunkhe, AGP, for Respondents-State.

Mr.Pavan S. Patil a/w Mr.Tanmay Deshmukh, Advocates for Respondent No.6.

Mr.Rohit Sakhadeo, Advocate for Respondent No.8–Thane Municipal Corporation, Thane.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 9th APRIL 2026

P.C. :-

1. We have perused the Affidavit-in-Reply filed by Mr.Umesh Patil, Tehsildar, Taluka and District : Thane. In the said Affidavit in paragraph No.6 onward, it is stated thus:-

“6. I say that after following the prescribed procedure, the auction process was again commenced and tender was again called for. In response to this, six bidders submitted their bids. After following the prescribed procedure, the

bids were opened and it was found that out of six bidders, Smt.Varsha Suresh Patil offered the highest and final bid of Rs.72,30,000/- for Flat No.203 and also Rs.70,20,000/- for Flat No.204. Accordingly, Smt.Varsha Suresh Patil was declared as successful bidder in the said auction process. Accordingly, the said flats in the Kailas Heights project were purchased by Smt.Varsha Suresh Patil in the said public auction.

7. *I say that the auction purchaser Smt.Varsha Suresh Patil has deposited the entire auction amount of Rs.1,42,50,000/- in the office of the Tehsildar, Thane on 19/12/2025. Out of the said auction amount, a sum of Rs.85,85,391, along with interest calculated at the rate of 10.15% for the period from 30/06/2012 to 31/12/2025, has been paid to the claimants i.e. Shri Vasant Shankar Jadhav, Shri Naresh Kisan Patil and Shri Hemant Varade through cheques of the State Bank of India on 01/01/2026. I say that accordingly (i) an amount of Rs.29,31,533/-, which includes;*

- * interest amount from 28.2.2017 to
till December 2025 @ 10.15% p.a. Rs.28,83,320/-*
- * the cost of the complaint Rs.20,000/-*
- * Penalty imposed Rs.25,000/-*
- * Cost of complaint Rs.3,000/-*
- * Total amount Rs.29,31,533/-*

has been paid to Shri Vasant Shankar Jadhav, (ii) an amount of

Rs.23,49,325/-, which includes ;

<i>* interest amount from 25.11.2012 to</i>	
<i>till December 2025 @ 10.15p% p.a.</i>	<i>Rs.23,00,992/-</i>
<i>* the cost of the complaint</i>	<i>Rs.20,000/-</i>
<i>* Penalty imposed</i>	<i>Rs.25,000/-</i>
<i>* Cost of complaint</i>	<i><u>Rs.3,000/-</u></i>
<i>* Total amount</i>	<i>Rs.23,49,325/-</i>

has been paid to Shri Naresh Kisan Patil.

Hereto annexed and marked as Exhibit – A (colly.) are the copies of the statements showing the details of the calculations in respect of the amount paid to Vasant Jadhav and Naresh Patil i.e. the Petitioners herein.

8. I respectfully submit that as well an amount of Rs.33,04,533/- has been paid to Shri Hemant Varade, who is not the Petitioner in the present Writ Petition.

9. I say that thus total amount of Rs.85,85,391/- has been paid to the claimants. I say that the aforesaid amount has been disbursed to the respective claimant including the respective Petitioner from the auction proceeds, and the remaining amount from the auction sale is deposited in the account of the Tahsildar Office, Thane. Hereto annexed and marked as Exhibit – B (Colly.) are the copies of the relevant receipts showing the respective amount received by the respective claimant.

10. I say that the abovementioned facts, circumstances and reasons show that the Respondent Nos.2 and 3 have taken all endeavour to recover the demanded amount as per the recovery

certificates from the defaulter. I say that the Respondent No.3 has taken the effective and diligent steps in accordance with law to settle the dues payable to the claimants including the petitioners in accordance with law.

11. In view of the aforesaid facts, circumstances and reasons, I pray that the Writ petition filed by the petitioners may kindly be disposed of.” **(Emphasis laid)**

2. We have gone through the aforesaid Affidavit. We are satisfied that the Tehsildar is taking all steps to recover the amount. The Respondent No.6–Developer has disputes regarding the manner in which the recovery is made. It is open for the Developer to take appropriate steps. However, we are satisfied with the steps that have been taken for execution of the warrant. The Tehsildar shall continue to take possible step to execute the recovery warrant.

3. **The Writ Petition is accordingly disposed of keeping the liberty of the Developer open.** It is open for the Petitioner to make a representation to the Tehsildar for any further claim / interest. All contentions are kept open.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)