IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5106 OF 2025

Vivekanand Co-op. Hsg. Soc. Ltd. And Anr. … Petitioners
Versus
The Hon’ble Minister, Revenue Department
And Ors. …. Respondents

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Adv. Sandesh V. Kate i/b. Adv. Archana S. Shelar, for the petitioners.
Mr. N. C. Walimbe, Addl.G.P. a/w Mr. S. P. Kamble, AGP, for the respondent-State.
Adv. A. S. Rao, for respondent No.6.
Adv. Hemant Ghadigaonkar, for respondent No.7.

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

DATE : 27th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties.

2. This Court on 18th February 2026 had passed the following order :-

> “1) Record clearly indicates that, the Order dated 1st March 2024 passed by the then Hon’ble Minister, Revenue, Animal Husbandry and Dairy Development Department, in RTS No. 2714/प .क्र.315/ज-4, has not been complied with by all the subordinate Revenue Authorities till today. This cannot be countenanced.

1.1) The Order passed by the Hon'ble Minister, Revenue, Animal Husbandry and Dairy Development Department, is an Order passed by a quasi-judicial Authority has to be and must be complied with by all the subordinate Revenue Officers without any demur and protest.

2) We therefore deem it appropriate to place the present file before the Additional Chief Secretary, Revenue, Animal Husbandry and Dairy Development Department, for his personal knowledge and for adopting appropriate remedial measures against the defaulting Officers, in that behalf.

2.1) We also request the Additional Chief Secretary, Revenue, Animal Husbandry and Dairy Development Department, to bring the said fact of non- compliance, to the knowledge and notice of the present Hon'ble Minister, Revenue, Animal Husbandry and Dairy Development Department, pointing out the fact that, the Orders passed by the Hon'ble Minister are being treated in such a casual manner, thereby nullifying its effect by its subordinate Revenue Officers.

2.2) The same be done within a period of one week from the date of uploading of the present Order on the official website of the High Court of Bombay.

2.3) Learned Additional G.P. appearing in the Petition is directed to communicate this Order to the Additional Chief Secretary, Revenue, Animal Husbandry and Dairy Development Department, personally.

3) Stand over to 18th March 2026."

3. We had heard the learned counsel on 18th March 2026 and listed this writ petition today under the caption for passing orders. The matter was closed for orders. However, learned counsel for the Corporation has today tendered an affidavit on behalf of the respondent No.6 which is taken on record in the

interest of justice. The relevant portion of the said affidavit records thus :-

> “5. I say that it appears from the record that Respondent No.7 herein made an application to the Tahsildar, Ambernath (R No. 5) seeking approach road for her Plot bearing City Survey No. 7754 through Plot No. 81 were the petitioner society is situated. The Ld Tahsildar Vide Order 25.3.2008 granted the approach road admeasuring 169 Sq Ft to the R No. 7 through Plot No. 81. It appears the said order came to be challenged by the petitioner before the Ld Collector, Thane and the Ld Collector (R. No. 2) vide order dated 19.09.2008 dismissed the appeal of the present petitioner with a clarification that access given through Plot No. 81 is only for access purpose only.
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> 6. I say that, it also appears that the R No. 7 filed appeal No.348 of 2008 before the Divisional Commissioner (R No. 2) and R No. 2 vide order dated 14.10.2009 rejected the said appeal, being impugned by the said order.
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> 7. I say that, it appears from the record that the R. No. 7 filed Revision before R No. 1, R. No.1 vide Order dated 22.4.2014 was pleased to rejected the appeal and also set said the orders passed by the Ld Tahsildar as well as the Ld Collector.
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> 8. I say that, the SDO vide order 16.2.2016 directed the R. No.5 to hand over the 16 Sq mtrs, the area from Plot No. 81 to the petitioner.
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> 9. I say. R. No.7 filed Writ Petition No.3165 of 2017 challenging the Order dated 22.4.2014 by R No.1 and order dated 31.10.2014 rejecting the review of the said application. The Hon'ble Court Vide order dated 10.3.2023 remanded the matter back except the reference to section 143 of the MLRC. The R No.1 vide order dated 1.3.2024 rejected the Review Petition of the Respondent No.7, however the order dated 22.4.2014 in confirmed to the extent of Section 143 of the MLRC. The Ld Minister further directed that though the review petition is dismissed the Respondent No.5 and R No.6 jointly gave access road of 4.5 Mtrs wide to the R No.7 and if necessary the dilapidated on the way obstructing the road

should also be demolished etc etc.

10. I say that, in the S No.81, originally is the land belonging to the state government and which is allotted to the petitioners and in view of the order passed by Ld Minister for Joint Action, the answering Respondent is always ready and willing to provide the necessary machinery and man power. It is submitted that the R. No.5 vide communication 3.3.2025 informed the present Respondent to implement the Order of the Ld Minister granting 4.5 Meters access road to the R. No.7 and if necessary demolish the dilapidated buildings. Hereto annexed and marked as ANNEXURE I is the Copy of Communication dated 3.3.2025.

11. I say that answering Respondent vide communicated dated 31st December 2024 informed Shree Sagar Co-Op Society and Trimurti Co-Op Society informing that the answering respondent vide permission dated 1.2.2024 on the lands bearing S.NO.50 H No.13 CTS 7744 To 7748 and S No.50 and H No.6 CTS 7749 TO 7754(P) etc. It is observed that however due to the construction work there is an inconvenience to the other society holders and hence the complained to the answering respondent therefore the said society have been informed while carrying out the construction the necessary safety measures shall be taken. It was further informed that Honble Minister vide order dated 01.3.2024 has directed to grant access to the R No.7 having width of 4.5 Mtrs. Accordingly the said societies were directed to maintain 4.5 Mtrs marginal distance so as to implement the order of the Ld Minister. Hereto annexed and marked as ANNEXURE II is letter dated 31.12.2024.

12. 1 say that vide communication dated 31.12.2024, 19.5.2025, 17.09.2025. 11.12.2025 informed the said societies for maintaining the necessary margins while carrying out the constructions so as to enable the answering respondents to implement the order of the Hon'ble Minister. Hereto annexed and marked as ANNEXURE III is communication dated 31.12.2024, 19.5.2025, 17.09.2025, 11.12.2025.

13. I say that vide letter 4.12.2025 the R. No.5 informed the answering respondent that answering respondent shall implement the order of the Hon'ble Minister dated 1.3.2024,

though the Ld Minister Order directs that by joint action the order shall he implemented. However the R No.5 is shifting the entire Responsibility of implementation of the order on the answering respondent.

14. I say that vide communication dated 8.12.2025 the answering respondent has informed R No.5 that order of the Ld Minister has to be implemented by Joint Operation and on the part of the answering respondent, the answering respondent has already had informed the concerned societies to maintain the margin to the extent of 4.5 mtrs.

15. I say that the respondent no. 5 vide communication dated 24.2.2026 have informed the petitioner as well as R No.5 that the action will be initiated on 27.2.2026 thereafter vide letter dated 24.2.2026 informed the answering respondent that the action for implementation of Ld Minister's Order will be initiated on 3 pm on 27.2.2026 and requested the answering respondent to be present at the site and the said communication was also addressed to Deputy Director, Land Records.

16. I say that vide letter dated 26.2.2026 the answering respondent has informed R No.5 answering Respondent has requested the other societies to maintain 4.5 mtrs margin for making access to the R. No.7 and accordingly even a undertaking was obtained from the developers of the said society that they will maintain the such margin. Hereto annexed and marked as ANNEXURE IV is letter dated 26.2.2026.

17. I say that thereafter action was initiated and accordingly 4.5 mtrs wide access road was handed over to R No.7 by initiating action on 27.02.2026. Hereto annexed and marked as ANNEXURE V are copies of the photographs showing the access road duly constructed.

18. I say that, so far as the communication mentioned in the affidavit of R.No.5 alleged to have been made with the answering respondent in para no.5 is concerned. I say that the said communication were never received by answering respondent except letters dated 03.03.2025 & 04.12.2025, and for said letters response were given by answering respondent. Hereto annexed and marked as ANNEXURE VI is

letter dated 18.12.2025.

19. In the aforesaid circumstances I respectfully submit that the order passed by the Hon'ble Minister Revenue has been duly complied with. I say that whatever is stated herein above is true and correct to the best of my knowledge, beliefs and I believe the same to be true and correct.”

4. An affidavit has also filed by Mr. Amit Puri, Tahsildar, Taluka Ambernath, District Thane on behalf of the respondent Nos.1 to 5 District Thane. In paragraphs 8 to 13 of the said affidavit it has been stated thus :-

“8. I say that the Order dated 18th February, 2026 of the Hon'ble High Court was brought to the notice of the Chief Executive Officer, Ambernath Municipal Council. I say that after making available assistance from Ambernath Municipal Council, I myself, Town Planner of Ambernath Municipal Council, Deputy Superintendent of Land Record, Ambernath and the Police team went to the spot. I say that letters dated 24.02.2026, in advance were sent to the Petitioners and the Respondent No. 7 with an intimation to remain present at the site on 27.02.2026 at 03.00 pm when the joint team visits at the site of the said spot. I say that the Deputy Superintendent of Land Records, Ambernath of the Land Record Office had shown the boundaries of the area to be demolished in the presence of the Petitioner and the Respondent No.7. I say that the concerned encroachment removal squad had removed the unauthorized compound wall built by Respondent No.7 for breach of condition of Order dated 19.09.2008. Hereto annexed and marked as Exhibit-B is a copy of the Order dated 19.09.2008 passed by the District Collector, Thane, and the advance possession of the same was handed over to Shri Vidyadhar Kulkarni i.e. the Petitioner No. 2 in the presence of the panchas. I say that accordingly possession receipt was prepared and the same was signed by the Petitioner No.2. I say that the concerned department's Assistant Town Planner, Ambernath Municipal Council, executed the Order of the Hon'ble Minister dated 01.03.2024 by making available Road of 45 meter width as approach road to Respondent No.7. I say that accordingly panchanama was carried out on 27.2.2026. I say that the concerned Circle Officer, Ambernath, has submitted his report to the Respondent No.3 accordingly. Hereto annexed and marked as Exhibit-C (colly.) are the copies of the letters dated 24.02.2026, possession receipt, panchanama and the Circle Officer's report dated 27.2.2026.

9. I respectfully submit that Respondent No.3 has acted diligently and in bona fide discharge of his official duties to ensure compliance of the Order dated 1st March, 2024 passed by the Hon'ble Revenue Minister. I respectfully submit that the joint execution of the said Order required coordinated action between multiple authorities, including the Ambernath Municipal Council as the Planning Authority, the Land Records Department for demarcation, and the Police Authorities for maintaining law and Order during the removal of encroachments, Respondent No.3 had taken steps and issued communications seeking cooperation of the Ambernath Municipal Council. I respectfully submit that Respondent No.3 has acted in good faith and with due diligence, and the delay has been occurred due to the aforesaid reasons.

10. I respectfully submit that the Order dated 1.3.2024 of the Hon'ble Revenue Minister has been complied with. I respectfully submit that due to the aforesaid facts, circumstances and reasons, the delay has been caused to implement the said Order dated 1.3.2024. However, I respectfully submit that the said delay is neither intentional, nor deliberate and the same has been caused due to the aforesaid reasons.

11. I respectfully submit that I have highest regard and respect for the Orders passed by the Hon'ble Courts and the Superiors in the administration. I respectfully submit that I have never committed any inaction act while discharging my official duties. I tender my sincere and unconditional apology for the delay caused for taking steps/actions. I humbly submit that my sincere and unconditional apology may kindly be accepted.

12. I further say and submit that, in para No.2.1 of the

> Order dated 18.02.2026 passed by this Hon'ble Court, there is a direction to the "Additional Chief Secretary, Revenue, Animal Husbandry and Dairy Development Department, to bring the said fact of non compliance to the knowledge and notice of the Present Hon'ble Minister, Revenue, Animal Husbandry and Dairy Development Department, pointing out the fact that, the Orders passed by the Hon'ble Minister are being treated in such a casual manner, thereby nullifying its effect by its subordinate Revenue Officers."
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> I say and submit that, pursuant to the above direction given by this Hon'ble High Court, the State Government has issued a Circular dated 28.02.2026, giving directions to the District Collectors to implement the Orders passed in quasi-judicial matters. Hereto annexed and marked as Exhibit-D is a copy of the Circular dated 28.02.2026 issued by the State Government.
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> 13. I say and submit that, on 28.02.2026, Revenue and Forest Department, issued a letter informing that in consonance with to initiate inquiry against officers posted as Tahsildar, Ambernath and others for violating and not implementing the Order dated 01.03.2024 passed by the Revenue Minister, Mantralaya, Mumbai and the proposal be sent to this office alongwith chargesheet. Hereto annexed and marked as Exhibit-E is a copy of the letter dated 28.02.2026 issued to the Collector by Revenue Department, Mantralaya, Mumbai."

5. Considering the stand of the Corporation and the photographs annexed to the affidavit, we are satisfied that the cause for filing of the present petition is worked out as there is sufficient compliance of which order the implementation is sought by this petition.

6. Learned counsel for respondent No.7 has serious objection to the manner in which the order has been complied

with. If the respondent No.7 has any reservations, it is for the respondent No.7 to initiate appropriate proceedings in that regard if it is the grievance that the order has not been complied properly. This liberty of the respondent No.7 is kept open.

7. In view of the affidavit filed, the present writ petition is disposed of.

(S. M. MODAK, J.) **(M. S. KARNIK, J.)**