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BALAJI GOVINDRAO PANCHAL

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

WRIT PETITION NO. 4840 OF 2026

Zulfikhar Ahmad & Anr. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

...

Mr. Aman Anand a/w Mr. Sulaiman Bhimani i/by The Law Suits, for the Petitioners.

Mr. Milind V. More, Addl. GP a/w Mr. S. B. Gore, AGP for Respondent Nos.1, 3 & 4-State.

Mr. Satish Ghewde a/w Ms. Neha Bane, for the Respondent No.5.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 15th OCTOBER, 2026.

P.C.:

1. We have heard the learned Counsel for the parties. The substantive reliefs sought for in the proceedings read thus: -

> *"(a) issue a writ of mandamus, or any other appropriate writ, order or direction, directing Respondent Nos. 3 and 4 to forthwith take appropriate, prompt, and expeditious steps to execute the Recovery Warrant 3rd February 2023 and 15th February 2023 issued by Respondent No. 2 under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016;*

(b) This Hon'ble Court be pleased to issue a writ of mandamus or in the nature of a mandamus or any other writ directing Respondent Nos. 3 and 4 to exercise its powers of arrest and/or detention if so required by the mala fide and contumacious conduct of Respondent No. 5, and to expeditiously take appropriate steps to arrest and/or detain Respondent No.5's authorized representatives, as per the provisions of MLRC.

(c) direct Respondent Nos. 3 and 4 to attach the movable and immovable properties, bank accounts, unsold inventory and all other attachable assets of Respondent No.5, for recovery of the amounts due under the said Recovery Warrants;

(d) direct Respondent Nos. 3 and 4 to execute the said Recovery Warrants in terms of the judgment of this Hon'ble Court in Ansari Mohammed Zaki vs. State of Maharashtra and connected matters, decided on 27 April 2022;

(e) direct Respondent Nos. 3 and 4 to file a compliance affidavit before this Hon'ble Court within a period of four weeks;"

2. In pith and substance, the Petitioners' grievance in this Petition, is that in spite of an Order dated 2nd February, 2021 passed by the Respondent No.2-Maharashtra Real Estate Regulatory Authority (for short, **"Maha RERA"**) and consequential issuance of the recovery warrants under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 (**"RERA Act"**) by the Maha RERA, way back on 3rd February, 2023 and 15th February, 2023, the Petitioners are running from pillar to post for recovery of the amounts due

under the said warrants.

3. Learned Counsel for the Petitioners submits that in spite of the recovery warrants being issued way back in the year 2023, the Competent Authority i.e. Collector, Thane, has not taken any steps for effecting compliance of the said warrants, for the reasons best know to him. The Order dated 2nd February, 2021 was passed under the RERA Act which has now attained finality. In view thereof, the Petitioners are pressing for execution of the said warrants forthwith.

4. Learned Counsel for the Respondent No.5 – Mandakini Realtors submits that yesterday only he has received instructions. Therefore, some breathing time may be accorded.

5. Be that as it may, we are not inclined to keep the matter pending further. We are constrained to observe that this is yet another matter which projects a “sorry state” of affairs. We see no reason much less justification for the Respondent No.3-Collector, Thane to sit over the said warrants which related back to the year 2023 which causes grave hardship to the Petitioners, without any fault of theirs.

6. In the above factual complexion, we direct that in

case there is no other impediment, the recovery warrants dated 3rd February, 2023 and 15th February, 2023 issued by the Respondent No. 2, be executed by Respondent Nos. 3 & 4 expeditiously, not later than a period of eight weeks from the date of production of this Order by the Petitioners, failing which we would be constrained to take a serious view in the matter. We make it clear that no further extension of time would be granted, in this regard.

7. With the aforesaid directions, Writ Petition is Disposed Of, without adverting on merits of the matter.

8. List the matter 'For Compliance' on **20th November, 2026**.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**