

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***WRIT PETITION (STAMP) NO.13552 OF 2024
WITH
INTERIM APPLICATION (STAMP) NO.25225 OF 2024
IN
WRIT PETITION (STAMP) NO.13552 OF 2024***

Vaibhav Mohan Thakur & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

***WITH
INTERIM APPLICATION (STAMP) NO.19579 OF 2025
IN
WRIT PETITION (STAMP) NO.13552 OF 2024***

The Assistant Commissioner ... Applicant

IN THE MATTER BETWEEN :

Vaibhav Mohan Thakur & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Sumit Ashok Shinde for the Petitioners

Ms. M. M. Deshmukh, P.P a/w Ms. P. P. Shinde, Addl. P.P. for the Respondent-State

Mr. Narendra V. Walawalkar, Sr. Advocate a/w Mr. Suresh Sabrad, Ms. Madhuri More, Mr. P. P. Chavan, Ms. Eshwaree Kudalkar i/b Ms. Komal Punjabi for the Respondent No. 25-BMC

Mr. Mahesh Vaswani a/w Ms. Shreya Tiwari, Ms. Aliza Shaikh and Ms. Anjali Shriyan for the Respondent Nos. 26, 27 and 28

DCP Mr. Rajtilak Roshan, Sr.PI Mr. Atmaji Sawant, PI Mr. Ravindra Salunkhe, PI Mr. Tejankar, PI Mr. Desai, API Mr. Sathe, API Mr. Prabhu, PSI Mr. Kanade are present in Court

Mr. Mahesh Vispute, A.R.O from Collector Office, is present in Court

Mr. Ganesh Misal, Additional Collector (Encroachment Removal), Western Suburbs, MSD, is present in Court

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
MONDAY, 13th OCTOBER 2025**

P.C :

1 On 26th September 2025, the following order was passed :

“1. Pursuant to our order dated 25th September 2025, respondent No.18 – Additional Collector (Encroachment and Removal) Western Suburb Ward, Mumbai, is present before us. Mr. Kundan Valvi, Assistant Commissioner, P - North Ward, Mumbai is also present.

2. Both the officers submit that they will cooperate with the Investigating Team and will furnish all documents as sought by them within one week of making the said requisition, so as to enable the police to take further steps in the investigation.

3. *The Additional Collector, Mr. Ganesh Misal (Western Suburb), Mumbai, informs us that he had informed the police vide letter dated 1st January 2025, that the document which is at Page – 513 was incorrect and had sent the original document with the said letter i.e. ‘Census Certificate’ to the police. It appears that despite receiving the said letter, the police have not taken any steps in this regard i.e. ‘Census Certificate’ found to be fabricated.*

5. *Mrs. Deshmukh, learned Public Prosecutor on instructions from the officer, who is investigating the case assures that the same will be looked into in the right earnest.*

6. *As far as missing files from the Collector’s Office are concerned, learned counsel for the Petitioner has relied on the RTI reply, that about 24,000 files are missing. The Additional Collector who is present in the Court states that although the information given through the RTI discloses that 24,000 files are missing, some of the files have been traced by their office. He further states that all efforts will be taken to ensure that the missing files are traced, failing which they will register FIR, so as to enable the police to take appropriate steps/action. Statement accepted.*

7. *Mrs. Deshmukh, learned P.P. further states that the police will send letters at the earliest i.e. on or before 30th September 2025 to the concerned authorities and seek documents from the respective Wards of the Corporation. The authorities concerned to furnish the said documents, at the earliest within one week of the police making the said requisition.*

8. *Stand over to 13th October 2025 at 1.00 p.m.”*

2 Mr. Walawalkar, learned senior counsel appearing for the respondent No. 25–BMC, has tendered an affidavit of compliance dated 13th October 2025. The said affidavit is taken on record.

3 Mr. Walawalkar, on instructions, states that except for the documents sought vide Exhibit ‘C’ at page 11 of the said affidavit, all other documents have been furnished to the Investigating Officer. He submits that even the documents mentioned in the letter at Exhibit ‘C’ shall be supplied to the concerned officer within two weeks from today. Statement accepted.

4 Ms. Deshmukh, learned Public Prosecutor, on instructions, states that during the course of investigation, the police have arrested the then Nayab Tehsildar (now retired), who was serving in the Bandra Office, as his complicity was found in the fabrication of the Census Certificate and Census Form.

5 The Additional Collector, Mumbai Suburban District, is personally present in Court. He states that the files of 1976 relating to Census records are available in the office and that no file is missing.

6 At this stage, learned counsel for the petitioner tendered certain orders passed by the authorities under the Right to Information Act, to show that files were reported missing from the Collector's Office, and that directions were issued by the authorities to conduct an inquiry into the said missing files. Learned counsel for the petitioner submits that despite such directions, neither was the order challenged by the Collector's Office, nor were the missing files traced, nor any inquiry conducted. The said documents are taken on record and a copy thereof is furnished to the learned Public Prosecutor.

7 The Additional Collector, who is present in Court, further states that all files pertaining to the Census records and

Census Forms of the year 1976 are available in the office, and that the same can be handed over or made available for inspection to the Investigating Officer, if so required, to ascertain whether the Census Certificate and the Census Form have been fabricated or not. Statement accepted.

8 Ms. Deshmukh, learned Public Prosecutor, further seeks time to file an affidavit-in-reply of the Additional Collector. She informs that Mr. Ganesh Misal, Additional Collector (Encroachment Removal), Western Suburbs, MSD, has recently taken charge of the office about two months ago. She further states that his predecessor, Mr. Pankaj Deore, has since been transferred to Pune. She seeks time to ascertain whether any inquiry was conducted by the said officer pursuant to the order passed under the Right to Information Act, by the Appellate Authority.

9 Stand over to **16th October 2025**. To be listed at
3:00 p.m.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.