

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.35545 OF 2025

M/s. Sai Essen Developers

.. Petitioner

Versus

The State of Maharashtra and Ors.

Respondents

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- Mr. Surel Shah, Senior Advocate a/w. Mr. Niranjana Bhavake, Ms. Drishti Madhani, Advocates i/by Bhavake and Associates for Petitioner.
- Ms. Mamta S. Srivastava, AGP for Respondent Nos.1 and 2.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 18, 2025

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 18.11.2025. Perused the praecipe.
- 2.** Heard Mr. Shah, learned Senior Advocate for Petitioner and Ms. Srivastava, learned AGP for Respondent Nos.1 and 2.
- 3.** Mr. Shah draws my attention to the impugned order dated 09.10.2025 appended at Exhibit-A, page No.40 passed by Tahsildar under the provisions of Maharashtra Land Revenue Code, 1966 and Mines and Mineral (Development and Regulation) Act, 1957 and Rules made thereunder by virtue of which penalty of Rs.7,06,91,824/- has been levied on the Petitioner.
- 4.** Mr. Shah has attempted to argue the matter on merits to distinguish the extent of excavation as stated under the previous report

which is not matching with the dimensions for which the extent of excavation was carried out for laying foundation of the development.

5. Mr. Shah would contend that by virtue of the said order, there is every possibility and apprehension that coercive steps may be taken by the Tahsildar in furtherance of the impugned order.

6. In a similarly placed companion Writ Petition filed by Petitioner on identical facts on 15.09.2025, this Court in Writ Petition No.11579 of 2025 had passed order after hearing Petitioner.

7. *Prima facie*, the extent and content of the impugned order is on identical grounds. Copy of that order has also been placed before me by Mr. Shah.

8. Since apprehension is expressed by Mr. Shah, Respondent – State and its functionaries are directed that if they desire to take any coercive steps against the Petitioner, they shall obtain leave of the Court and proceed further.

9. In view of the above, issue notice to Respondents. Learned AGP enters appearance on behalf of Respondent Nos.1 and 2 and waives service on behalf of Respondent Nos.1 and 2.

10. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve the Respondents a copy of this order and copy of Writ Petition and inform about the next date of hearing by any

permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

11. Respondents are directed to file Affidavit-in-Reply, if so desired within a period of two weeks from today. Rejoinder within a week thereafter.

12. Since companion Writ Petition No.11579 of 2025 is listed on 16.12.2025, tag the present Writ Petition alongwith Writ Petition No.11579 of 2025 and list on **16th December, 2025.**

13. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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