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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.20626 OF 2025**

Beeline Impex Private Limited & Anr. ... Petitioners
v/s.
State of Maharashtra & Ors. ... Respondents

Mr. Virendra Tulzapurkar, Senior Advocate a/w. Adv. Kishore Jain, Mr. Darshit K. Jain i/by Ms. Divya D. Jain for the Petitioners.

Mr. Suraj Gupte, AGP for Respondent No.1-State.

CORAM : Kamal Khata, J.
DATED : 14th July 2025.

P.C.:-

1. The Petitioner's Counsel mentioned the matter around 2.00 p.m. requesting it to be taken up pleading certain urgency. Learned Advocate for the Respondents, who was present, agreed to obtain instructions by 3.00 p.m.

2. Despite the assurance and due notice, none appears for the Respondents when matter was called out at 3.00.p.m. The matter was kept back for some time and was thereafter called out once again in the normal course. However, even then, no one appeared for the Respondent. The Court, therefore, proceeded to hear the matter *ex parte*.

3. By this Petition filed under Article 226 of the Constitution of India, the Petitioners seek to quash and set aside the impugned communication dated 21st April 2025 (Exhibit 'S' and 'S-1') and Form-1 dated 23rd May 2025 (Exhibit 'T' and 'T-2') annexed to the Petition.

4. The Petitioners are the co-owners of land bearing Survey No.161, C.T.S. No.1/A/167 and 1/A/168, Pahadi Village, Goregaon, Mumbai. The land was acquired by the Petitioners from Usha Madhu Development Co-op. Society for development purposes. A part of the said land property is designated for development for a National Law University, Maharashtra ('MNLU'), and has been filled for hand over and access to the MNLU.

5. Petitioners contend that the Respondent No.1 is not the competent Authority in the present case. The Respondent No.1 can act only where minor minerals are extracted and removed from any land within their jurisdiction in quantities not exceeding 500 brass. The Petitioners submit that this statutory provision has been overlooked.

6. According to the Petitioners, the subject property is a "Receiving Site" for filling purposes and not a site for

extraction, transportation, or storage of minerals. Therefore, the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (“Mines and Minerals Act”) are inapplicable. This is corroborated by an Order dated 18th May 2024 issued by Respondent No.1, and a communication dated 19th December 2023 from the Collector, Mumbai Suburban District stating unequivocally that, there is no provision treating a Receiving Site as a Site under the Mines and Minerals Act, the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 or any related notification. Accordingly, no permission or royalty is required or payable by the Petitioners.

7. Dr. Tulzapurkar, learned Senior Counsel for the Petitioners, submits that, the filling activity was undertaken after securing all requisite permissions from the Brihanmumbai Municipal Corporation (‘BMC’). He submits that, the impugned communication dated 24th April 2025 is perverse and issued without considering the Petitioners’ submissions. The Circle Officer Report dated 27th September 2024 expressly admits that it was not possible to quantify

fill, yet the impugned communication purports to determine a specific quantity based on conjecture.

8. Dr. Tulzapurkar submits that, Respondent No.1 has failed to provide inspection or furnish copies of documents relied upon in support of the impugned communication dated 21st April 2025. This amounts to a breach of principles of natural justice.

9. Dr. Tulzapurkar contends that, the actions of Respondent No.1 are clearly motivated with malice and are aimed at coercing the Petitioners into paying an unjustified sum. The penalty of Rs.87,26,28,450/- imposed by the impugned communication is arbitrary and must be set aside.

10. Having heard the learned Senior Counsel and perused the material on record, I am inclined to pass the following Order:

11. Interim relief in terms of prayer clause (c) of the Petition is granted, and shall remain in force until the next date of hearing.

12. Let the Respondents to file reply to the Petition within three weeks from today. Rejoinder, if any, to be filed one week thereafter.

13. Affidavit of service is taken on record.
14. List the matter on 18th August 2025.

(Kamal Khata, J.)