

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 555 OF 2015

Grampanchayat Naigaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

AND

Sunil Kashinath Datir

.. INTERVENER

Mr. N.B. Narwade, advocate for petitioner.
Mr. D.R. Kale, GP for the State.
Mr. S.P. Brahme, advocate for respondent no. 5.
Mr. V.B. Jagtap, advocate for intervener.

WITH

WRIT PETITION NO. 1730 OF 2015

Village Panchayat, Walkeshwar

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH

WRIT PETITION NO. 1703 OF 2015

Group Village Panchayat
Gangachincholi

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

AND

Ashutosh Enterprises Private limited

.. INTERVENER

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.
Mr. A.N. Nagargoje, advocate for intervener.

**WITH
WRIT PETITION NO. 1343 OF 2015**

Gram Panchayat, Dhandarfal (Kh.)
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

AND

Bhairavnath Sand Suuppliers

.. INTERVENER

Mr. B.V. Dhage, advocate for petitioners.
Mr. D.R. Kale, GP for the State.
Mr. K.N. Shermale, advocate for intervener.

**WITH
WRIT PETITION NO. 1704 OF 2015**

Village Panchayat, Rajatakali

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1808 OF 2015**

Group Village Panchayat, Banegaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1807 OF 2015**

Group Village Panchayat,
Banegaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1803 OF 2015**

Sachin s/o Sheshrao Raut

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.A. Bagal, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1809 OF 2015**

Village Panchayat, Mudregaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1673 OF 2015**

Village Panchayat, Bhoggaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1805 OF 2015**

Group Village Panchayat,
Banegaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 1806 OF 2015**

Group Village Panchayat,
Gori-Gandhari

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH

WRIT PETITION NO. 1804 OF 2015

Village Panchayat, Ukkadgaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH**WRIT PETITION NO. 1702 OF 2015**

Village Panchayat, Kothala

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH**WRIT PETITION NO. 1674 OF 2015**

Village Panchayat, Ramasgaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH**WRIT PETITION NO. 1701 OF 2015**

Village Panchayat,
Gunj (Bd)

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH**WRIT PETITION NO. 1675 OF 2015**

Group Village Panchayat,
Patharwala (Bk) - Kuran

.. PETITIONER**VERSUS**

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH**WRIT PETITION NO. 4103 OF 2015**

Village Panchayat, Shivangaon

.. PETITIONER**VERSUS**

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

WITH**WRIT PETITION NO. 4104 OF 2015**

Village Panchayat, Bhardi

.. PETITIONER**VERSUS**

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 4105 OF 2015**

Village Panchayat, Bhadali

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 4106 OF 2015**

Village Panchayat, Dadegaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

**WITH
WRIT PETITION NO. 4107 OF 2015**

Village Panchayat, Mudhegaon

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.V. Deshmukh, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

=====

**CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 6th MAY, 2015.**

PER COURT :

1. In all these petitions objection is raised by respective Village Panchayat to the decision taken by the State Government or the Collector in respect of auction of sand blocks for excavation of minor mineral i.e. sand. All the Village Panchayats have opposed excavation of sand from the concerned sand block on the ground that such activity of excavation of sand is causing grave damage to the ecology. It is contended by petitioners in all the petitions that as a result of excessive excavation of sand the water level in the concerned village is likely to decline and as a result thereof, the villages may face water scarcity problem. It is contended that since years together there is excessive excavation of sand from the sand blocks as a result of which damage is already caused to the ecology and the water level in the concerned villages has gone down. Respective Village Panchayats have opposed auction of sand block by passing resolution in the Gram Sabha. The State authorities, however, have over ruled the objections raised by petitioners and proceeded with the auction proceedings.

2. It is a matter known to everybody that the region faces acute water scarcity problem. As a result of excessive excavation of sand from the sand blocks situate near the village and from the rivers and *nalas* which form a source of water either for irrigation or for drinking water purposes in the concerned village, the villagers are facing water scarcity problem. At the

same time the activities of unscrupulous elements in the village of committing theft of sand is also required to be monitored. While taking decision, the State authorities also shall have to take note of the fact that if the sand blocks are not permitted to be auctioned, the excessive sand collected in the bed of river may also cause a different type of ecological problem of flooding. As a result of act of committing theft by the unscrupulous elements, the revenue collection of the State is adversely affected. The State Government, while taking decision, has to strike the balance and take proper decision in the facts and circumstances of the case.

3. The State Government has declared a policy in respect of allotment of sand blocks on 12.03.2013. The policy has been declared by the State in pursuance to the directions issued by this Court while disposing of Writ Petition No. 4830/2010. The policy contains comprehensive guidelines to be adopted by the State authorities in conducting auction of the sand blocks. In the event of resistance by the villagers for excavation of sand, the grievance is required to be taken note of by a Sub-Committee constituted at the State level in accordance with clause no. 17 of the Government Resolution. The concerned clause lays down that the Sub-Committee constituted at the State level consisting of ministers shall have to take appropriate decision on the complaints. We are of the view that the grievance raised by petitioners in the instant petitions are liable to be considered by the State level Sub-Committee of the ministers constituted in accordance with clause 17 of the Government Resolution. The Sub-

Committee has already been constituted in view of Government Resolution adopted on 26.05.2011 consisting of eight ministers.

4. In the facts and circumstances of the case, without entering into merits of the controversy involved in each of the petitions, we deem it appropriate to relegate all the petitioners to the Sub-Committee at State level constituted in accordance with clause 17 of the Government Resolution referred to above. The learned Government Pleader shall forward copies of all the petitions together with the annexures to the Committee as expeditiously as possible, preferably within a period of one week from today. The Committee shall take appropriate decision in the matter as expeditiously as possible, preferably within a period of four weeks from the date of receipt of copies of the petitions together with annexures. The Committee shall take decision in observance of the principles of natural justice. Interim order passed by this Court shall remain operative till such decision. The Committee is expected to call report of the concerned district Collectors together with necessary information in respect of complaints received so as to facilitate the Committee to take appropriate decision in the matter. With directions as above, all the petitions stand disposed of.

5. Civil application nos. 5050/2015, 4130/2015 and 4994/2015 for intervention are allowed and stand disposed of. Pending civil application, if any, does not survive and stands disposed of.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

dyb