

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

WRIT PETITION NO. 3689 OF 2015

Sham s/o Digambar More

.. PETITIONER

VERSUS

The State of Maharashtra
& another

.. RESPONDENTS

Mr. R.R. Karpe, 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. Petitioner is praying for issuance of directions to respondents to refund the auction amount of Rs. 62,00,000/- (Rs. Sixty Two Lacs only) deposited by him with the District Collector Ahmednagar together with interest at the rate of 12% p.a. within stipulated period.

2. Petitioner participated in the auction of the sand block for village Sakur in Ahmednagar district and, being the highest bidder, was declared successful. Petitioner was allotted license to excavate sand out of the sand block. Petitioner contends that as a result of opposition from the villagers of the village, he could not conduct the activity of excavation of sand from the sand block. In Writ Petition No. 3458/2014 presented by an individual from the concerned village, this Court granted interim order and directed respondents - authorities not to take further steps in respect of tender notice. Petitioner contends that as a result of interim order operating in the

aforesaid writ petition, he was not permitted to excavate sand from the concerned sand block. The period allowed under the tender notice for excavation has come to an end on 30.09.2014 and as such, petitioner prays issuance of directions to the Collector to refund the auction amount deposited by him.

3. It is not a matter of dispute that petitioner has deposited sum of Rs.62,00,000/- (Rs. Sixty Two Lacs only) with the Collector towards auction amount for the sand block. Since the petitioner was not permitted to excavate the sand by virtue of the interim order passed by this Court in Writ petition referred to above and since the period under the tender notice has come to an end, reasonable request made by petitioner for issuance of directions to the concerned authority to refund the amount deposited by him towards auction amount deserves to be accepted. Respondents - authorities are directed to refund the amount of Rs. 62,00,000/- (Rs. Sixty Two Lacs only) deposited by petitioner as expeditiously as possible, preferably within a period of six weeks from today. Writ petition stands disposed of.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

dyb