

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3626 OF 2015

Jitendra S/o Narayan Kulkarni

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mrs. M.A .Kulkarni advocate for the petitioner
Mr. S.G. Karlekar, AGP for Respondents

CORAM : R.M. BORDE &
V.K. JADHAV, JJ

Dated : 23rd April, 2015.

PER COURT :-

1 The petitioner is praying for issuance of directions to respondents to allow him to excavate sand to the extent of 2364 brass from the suit site. A writ of certiorari is also requested for quashing of proceedings of auction initiated on 30.3.2015 for the year 2014-2015.

2 The petitioner was a successful bidder during the pre-auction process conducted in 2013 and was also allotted a sand spot for the purpose of excavation of the sand for the period 1.10.2012 to 30.9.2013. During continuance of operation of excavation of the sand, petitioner was penalized by the respondent authorities by imposing fine to the extent of

Rs.1,03,41,000/-. The petitioner tendered an appeal challenging the imposition of fine by the revenue authorities. The appeal tendered by the petitioner to the Additional Commissioner came to be allowed and the matter is remanded back for reconsideration to the Sub-divisional Officer. Petitioner contends that, since he has not completed the duration for which the sand spot was allotted, he is entitled to continue with excavation of sand until he exhausts permitted quantity to the extend of 2364 brass.

3 The argument advanced by the petitioner is contrary to the Policy framed by the State Government in respect of allotment of sand spot. The petitioner was granted a license for a limited period i.e. from 1.10.2012 to 30.9.2013 in respect of excavation of sand. Petitioner did not have any entitlement after completion of the aforesaid period.

4 In view of above, the request made by the petitioner in the instant petition does not deserve consideration. Writ Petition is devoid of substance and stands rejected. In view of dismissal of the petition, all the pending Civil Applications do not survive and stand disposed of.

(V.K. JADHAV, J)

(R.M.BORDE, J)