

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

WRIT PETITION NO.3843 OF 2014

M/s. Sai Shradhha Enterprises,
through its Partner
Shailendra Surendr Sarode
Age 33 years, Occu.Business,
R/o Mahesh Complex, Soygaon
road, Malegaon Camp,
At Post Taluka Malegaon,
District Nasik

.. Petitioner

Versus

1. The State of Maharashtra,
through Secretary,
Revenue and Forest Department
Mantralaya, Mumbai
2. The Collector, Dhule,
District Dhule
3. Tahsildar Shindkheda,
Taluka Shindkheda, Dist.Dhule

.. Respondents

Mr S.P.Brahme, Advocate for petitioner
Mr S.K.Kadam, A.G.P. for respondents

**CORAM : R.M. BORDE AND
N.W. SAMBRE, JJ.**

DATE : 16th February 2015

PER COURT

1. The scheme in respect of excavation of sand in the State is governed by the Resolution issued by the Government on 12th March 2013.
2. The petitioner contends that he was granted permission for excavation of sand out of a sand block up to 31st July 2013. The petitioner also contends that he has deposited tender amount of Rs.2,13,13,013/- with the State Government, however, because of certain impediments, he was not able to excavate the sand out of the

sand block. The petitioner is now claiming refund of amount deposited by him with the State Government.

3. The grievance raised by the petitioner in the instant petition can be considered in view of Clause 4 (B), as well as Clause 16 (B) of Part A and Clause 15 of Part B of the resolution.

4. If the petitioner tenders appropriate representation to the Collector seeking refund of amount deposited by the petitioner within a period of four weeks from today, the Collector shall conduct appropriate inquiry and tender report to the State Government, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of representation. On receipt of report from the Collector, the State Government shall take appropriate decision, in accordance with Clause 15 of Part B of the resolution, as expeditiously as possible, preferably within four months from the date of receipt of report. The petitioner, if held entitled to claim refund, the amount shall also be disbursed to the petitioner within the time stipulated above.

5. With the directions as above, writ petition stands disposed of.

6. It would be open for petitioner to raise all contentions those have been raised in the instant petition and it is clarified that we have not considered the merits of contentions raised in the petition.

(N.W. SAMBRE, J.)

(R.M. BORDE, J.)