

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7840 OF 2014

M/s Raman Tarmat Ltd.,

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....

Mr. Rahul A. Tambe, Advocate for the petitioner

Mr. V. G. Shelke, AGP for respondent State

Mr. N. R. Bhavar, Advocate for respondent No.5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 16th SEPTEMBER, 2015

ORDER :

1. Learned advocate for the petitioner points out that an amount of Rs.34,51,475/- has been claimed towards royalty and other charges upon allegations, which are untenable against the petitioner. As a matter of fact, order dated 3rd March, 2014 passed by Sub Divisional Officer, Shirdi makes it eloquent that there is no illegality of any sort committed by the petitioner. He further contends that the Sub Divisional Officer, Shirdi is also officer bearer of Shirdi Sansthan and that at his instance the amount, which has been set apart towards claimed royalty lying with Shirdi Sansthan from the amount of contract payable to the

petitioner has been erroneously transmitted to the government. He, therefore, urges that the amount be re-transmitted to Shirdi Sansthan.

2. Learned advocate for the petitioner, under the circumstances, having regard to the observations made in the order dated 3rd March, 2014, submits that the order of remand itself may not be tenable.

3. Though the submissions, on the face of it, appear to be persuasive, the Sub Divisional Officer has also observed that the respondents in the proceedings before him, have not responded to in the matter and that in order to follow principles of natural justice, an opportunity should be given to the parties and as such, thought it fit to remand the matter.

4. Having regard to the reasons which have weighed with the Sub Divisional Officer while remanding the matter, I do not deem it appropriate to cause interference in the same.

5. Under the circumstances, the writ petition is being disposed of with directions to Tahsildar, to dispose of the proceedings remanded to him under order dated 3rd March, 2014 as early as possible, preferably within a period of six weeks from

the date of receipt of writ of this order.

6. The amount of Rs.34,51,475/- lying with the revenue, in the circumstances in case the decision is in favour of the petitioner, be refunded to the petitioner forthwith.

[SUNIL P. DESHMUKH, J.]

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