

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

WRIT PETITION NO. 10044 OF 2014

Suresh Pandrinath Talekar,
Age: 36 years, Occ: Business,
R/o. Bhokardhan, Tal. Bhokardhan,
District Jalna.

...Petitioner

versus

The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai & Ors.

...Respondents

WITH

**WRIT PETITION NO. 598 OF 2015
WRIT PETITION NO. 599 OF 2015
WRIT PETITION NO. 600 OF 2015**

Bhaskarrao Mukandrao Danve,
Age: 45 years, Occ: Business,
R/o. Vasant Smiriti, BJP Bhavan,
Sambhaji Nagar, Tal./District Jalna.

...Petitioner

versus

The State of Maharashtra,
Through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai & Ors.

...Respondents

.....
Mr. Shivraj V. Deshmukh, Advocate for petitioner.
Mr. S.K. Tambe, A.G.P. for respondents.
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**CORAM : R. M. BORDE &
N. W. SAMBRE, JJ.**

DATE : 20TH 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 petitioners contend that they were granted permission to excavate sand out of sand block, however, due to restrain order issued by this Court, the petitioners were not permitted to excavate the sand out of sand block allotted in their favour. The petitioners had deposited an earnest money with the State Government. The period prescribed under the tender notice in respect of excavation of sand has expired and as such, the petitioners in view of the policy prescribed by the State Government, are entitled to claim the refund of amount deposited with the State Government. Since the petitioners were not permitted to excavate the sand, as a result of intervention by this Court, it would be appropriate for the State Government to consider the applications tendered by the petitioners favourably and permit the withdrawal of the amount.

3. The grievance raised by the petitioners in the instant petitions 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 petitioners tender appropriate representations to the Collector seeking refund of amount deposited by the petitioners 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 representations. 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 petitioners, if held entitled to claim refund, the amount shall also be disbursed to the petitioners within the time stipulated above.

5. With the directions as above, writ petitions stand disposed of.

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

[N.W. SAMBRE, J.]

[R. M. BORDE, J.]