

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4894 OF 2015

Shri. Salim Mohammed Shaikh

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Vikramsingh Yadav i/by Mr. V. R. Patil, for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 &2.

CORAM : R.M. SAVANT, J.

DATE : 13th JULY, 2015

PC.

1. The order dated 09.09.2014 passed by the Hon'ble Minister State for Revenue allowing the application filed by the Respondent No.3 herein and the Respondent No.3 was directed to be given the sandblock for excavation of sand situated at Rethare (B) and Rethare (K), Taluka Karad, District Satara is taken exception to by way of the above Petition. The application filed by the Respondent No.3 came to be allowed as in terms of the earlier allotment made to the Respondent No.3 he could not excavate the sand for reasons beyond his control. The Petitioner is also one such person who claims to be similarly situated as Respondent No.3 in the matter of not able to excavate the sand pursuant to the earlier allotment made to him, for reasons beyond his control. It is the case of the

Petitioner that whilst Petitioner's application is pending the allotment has been made to the Respondent No.3 herein. It is required to be noted that the order passed by the Appellate Authority is dated 09.09.2014 and the permission to excavate on the said site was supposed to be for a period of one year. The Learned Counsel for the Petitioner Mr. Vikramsingh Yadav fairly submits that the Respondent No.3 is at present excavating sand at the site in question and the period for which the site is allotted is virtually coming to an end. It therefore implies that the order dated 09.09.2014 has been implemented and pursuant to which the Respondent No.3 is excavating the sand. Apart from this, the Petitioner cannot challenge the allotment made to the Respondent No.3 merely on the ground that his application is pending. Moreso, considering the fact that the Respondent No.3 was not able to excavate the sand pursuant to the allotment made in the year 2013-2014 for reasons beyond his control. The Learned Counsel for the the Petitioner places reliance on Rule 22 of the Sand Excavation Rules. In my view, a reading of the said Rule does not further the case of the Petitioner having regard to the fact that in the instant case the period for which the site is allotted is now virtually coming to an end. In that view of the matter, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]