

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1170 OF 2015 WITH
WRIT PETITION No.2302 OF 2015

Dilip Gangaram Jagtap ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.P.M.Jadhav for the Petitioner in
W.P.No.1170/2015
None for the respondent in W.P.No.1170/2015
Ms M.P.Thakur, AGP for respondent Nos.1 to 3.
Mr.A.A.Kumbhakoni, Senior Advocate i/b Mr.Sandesh
Patil for respondent No.4

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : OCTOBER 29, 2015

P.C.:

. Not on board. Taken on board.

1 On instructions, the learned counsel for the
petitioner seeks permission to unconditionally
withdraw the writ petition No.1170/2015.

2 The learned senior counsel for the respondent
No.4 states that as a result of ad-interim relief
granted by this Court on 4th February 2015, the
respondent No.4 could not excavate the sand from the
spot allotted to the said respondent. He pointed
out that the period granted to the respondent No.4
to excavate the sand has expired on 30th September
2015. His submission is that as a result of ad-

interim order passed by this Court the respondent No.4 could not excavate the sand even for a one day. He, therefore, seeks direction to the State Government to extend the period granted to the respondent No.4 to excavate the sand.

3 Ad-interim relief was granted on 4th February 2015 which is operative till today. Therefore, the respondent No.4 could not excavate sand till 30th September 2015. Hence, the State Government will have to consider his prayer.

4 It will be open for the respondent No.4 to make an application to the appropriate Authority of the State Government for extension of period granted to excavate the sand. It is obvious that if such application is made, the concerned Authority of the State Government is bound to note that in the light of the ad-interim order dated 4th February 2015, the respondent No.4 could not excavate the sand even for a day till 30th September 2015. If such application is made, the concerned Authority of the State Government shall decide the same within a period of one month from today.

5 Subject to above direction, Writ Petition No. 1170 of 2015 is dismissed as withdrawn.

6 Writ Petition No.2302 of 2015 shall be listed on board on the scheduled date.

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)