

-
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION No.21 OF 2015

Dyaneshwar Gulabrao Sarkate and another

-Vrs.-

State of Maharashtra, Thr. Secretary Department of Revenue, Mantralaya,
Mumbai and 5 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.B. Patil, counsel for petitioners.

Smt. Bharti Dangre, Govt. Pleader for respondent nos. 1 to 5.

Shri A.A. Naik, counsel for respondent nos. 5 & 6.

CORAM : B.R. GAVAI AND P.N. DESHMUKH, JJ.

DATED : 10th DECEMBER, 2015

The petitioners had approached this court basically challenging the order of the Collector dated 17.1.2015 thereby allotting sand ghat at village Devkhed Linga in favour of respondent no. 5. It is the grievance of the petitioners that though huge amounts are to be recovered from the respondent no. 6, the said amount is not recovered and the ghat in question has been allotted to respondent no. 5 as a proxy of one Shri Deshmukh against whom a huge recovery is pending. Vide interim order passed by this court, the court had stayed allotment of ghat to respondent nos. 5 & 6.

Smt. Dangre, learned Government Pleader states that in view of interim order passed by this court, the respondent nos. 5 & 6 were not permitted to excavate the sand and the period for which the bids were invited has already lapsed. She further states that on account of order passed by

this court the respondents were also not in position to excavate sand from the ghat which is the subject matter of the petition.

The learned Government Pleader makes a specific statement that the procedure for recovery of amount of penalty from the respondent no. 6 as well as the said Shri Deshmukh is in progress.

Be that as it may, the period for which the tender was issued has come to an end. We, therefore, find that in so far as the present matter is concerned, nothing survives in the petition. The petition is disposed of.

We make it clear that we are not considering the matter on merits of the matter and all the contentions of the parties are kept open.

Needless to state that since there was no excavation of sand, the respondent Collector would consider the application of respondent nos. 5 & 6 for refund of their Earnest Money Deposit in accordance with law.

In so far as the utilization of part of the fund for development of village under the policy of the state government is concerned, the state shall take a decision in that regard, within a period of three months from today.

JUDGE

JUDGE

Hirekhan