

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

WRIT PETITION NO. 2312/2015

(Sou. Sundarabai w/o Shravan Kolhe and another vs. State of Maharashtra & others)

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

Court's or Judge's order

.....
Mr. S.P.Palshikar, Adv. for petitioners
Mrs. Bharati Dangre, Govt.Pleader for Respondents

CORAM : B.R.GAVAI &
INDIRA K.JAIN, JJ.
DATED : 17th July, 2015.

Heard.

The petitioner has approached this Court seeking permission to use the Poklain machine for the purpose of mining.

Shri S.P.Palshikar, learned counsel appearing on behalf of petitioners placed reliance on judgment and order of this Court in Writ Petition No. 3924/2015 with others, dated 14th July, 2015.

In the present case, perusal of the letter dated 19th December, 2014 issued by the Environmental Ministry would reveal that insofar as Gadchiroli District is concerned, the environmental clearance for sand extraction proposal which was cleared by the Environmental Ministry, is specifically subject to the condition that only manual mining

should be allowed. Undisputedly, the advertisement issued and the contracts entered into are subsequent to permission granted vide order dated 19th December, 2014. As such, with due diligence, every participant in the tender process could have come to know that only manual mining would be permissible.

Insofar as our order in Writ Petition No. 3924/2015 is concerned, in the said case, there was no such condition imposed by the Environmental Ministry. Moreover, prior to entering into contracts, requisite permission was also granted by GSD authority. Not only that, after permitting the same for two months, for the reasons which we have found to be falling within the orbit of malice in law, permission was withdrawn. In that view, the facts in that case are different than the facts in the present case. At the cost of repetition, in the present case, clearance granted by the State Government is purely subject to the condition that manual mining would be allowed.

In that view of the matter, no case is made out. Writ Petition stands rejected.

JUDGE

JUDGE

sa hase