

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3139 OF 2016
WITH WP/3165/2016 WITH WP/3166/2016

VINOD SHRIKRISHNARAO TAMBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S.S.Thombre
AGP for respondent Nos. 1 to 3 : Mr. S.P. Sonpawale.

CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.

DATE : 20th APRIL, 2016.

PER COURT:

1] Heard. Mr. Thombre, learned counsel states that the State Government has already passed an order for refund of the amount. Same was in respect of the sand spots allotted to the petitioners . The petitioners could not excavate sand from the sand belt. Report was given by the Tahsilder to the District Collector. The petitioners filed an appeal before the State Government and prayed to either grant extension of time for excavation of sand or to refund the amount deposited by the petitioners. The State Government passed an order on 31.7.2014 allowing the appeal partly filed by the petitioners and directed the authorities concerned to refund the amount deposited by the petitioner. Said order was also forwarded on 2.8.2015 to the District Collector. However, no steps are taken for payment of the said amount.

2] Mr. Sonpawale, learned AGP states that the respondent has forwarded proposal to the State Government for reconsidering the decision of the Government, in directing refund of the amount, as claimed by the petitioners. The Government had called for the information and report on

14.8.2014. The respondent has already submitted a report on 16.9.2014. There is no inaction on the part of the respondent.

3] It appears that the order of the State Government is still in force. It is almost one and half year, the said order is in force. When the said order is in force, the respondents are bound to comply with the said order. In case the order passed by the Govt. directing refund of the amount stands and is not modified, the respondent shall make refund of the amount to the petitioners, as per its own decision, within a period of six months from today. Writ petitions are disposed of . No costs.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-