

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 68 OF 2016

Vaibhav Vitthalrao Bhosale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Bhausahab B. Bhise, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3 and 5.

Shri U. R. Awate, Advocate h/f Shri S. B. Talekar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 18TH NOVEMBER, 2016.

PER COURT :

. In the present public interest litigation the order dated 31.03.2016 passed by the Hon'ble Minister thereby allowing the application of the respondent No. 4 is assailed.

2. Under the said order the Hon'ble Minister has extended time for the respondent No. 4 to excavate the sand upto 30.09.2016.

3. Mr. Awate, the learned counsel for the respondent No. 4 states that, said period is also over.

4. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader.

5. As the time extended by the Hon'ble Minister has lapsed, the said order has lost its efficacy and does not survive and is also not operative. On the said ground, the said order is set aside.

6. The respondent No. 4 is at liberty to file application before the authority as may be permissible in law for extension or refund of the amount. In case such application is filed, the authority shall consider the said application on its own merits expeditiously after hearing all the parties concerned. The public interest litigation accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]