

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5299 OF 2016

**Vishnu S/o Vitthalrao Masure Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Tope, advocate for the Petitioner.

Mr.B.A.Shinde, A.G.P.for the State.

Mr.R.V.Gore, advocate for Caveator Respondent No.6.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**

Date : 06.05.2016.

PER COURT :

1. Heard.
2. Issue notice to the Respondents.
3. Learned A.G.P. waives notice for Respondent Nos.1 to 5.
4. Mr.Gore, learned counsel waives notice for Respondent No.6.
5. The allotment of sand spot vide order dated 3.5.2016 in favour of Respondent No.5 is assailed.
6. According to Mr.Gore, learned counsel the possession of sand spot is already given to Respondent No.6. The same is disputed by Mr.Tope, learned counsel for petitioner. It is not

disputed that the State Government vide its order dated 19.10.2013, had allowed the appeal filed by the Respondent No.6 and directed that the Respondent No.6 herein is allowed to excavate 3565 Brass sand from the said available sand spot as detailed in the said order. Thereafter, in the year 2016, the Additional Collector has allowed the petitioner to excavate the sand from other sand spot. There are rival contentions in this regard. The Committee is already constituted for redressal of grievance of the present nature.

7. In light of that, we are not entering into the merits of the contentions raised by either of the parties. We would relegate the parties to the said Committee.

8. The petitioner may approach the Committee constituted as per clause 17 of the Government Resolution dated 12.3.2013, seeking redressal of the grievances. For a period of ten (10) days from today, the Respondent No.6 shall not excavate the sand from the sand spot allotted vide order passed by the Additional Collector dated 3.5.2016, so as to enable the petitioner to approach the Committee and seek necessary orders. Needless to state, on lapse of ten (10) days, the present order/protection shall come to an end.

9. The Writ Petition is accordingly disposed of. No costs.

(K . K . SONAWANE, J .)

(S . V . GANGAPURWALA, J .)

Dt.06.05.2016.
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