

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5721 OF 2016
(Haribhau Govind Lande and others Vs. The State of
Maharashtra and others)

Mr. Sambhaji S. Tope, Advocate for the Petitioners
Mr. A.R. Borulkar, A.G.P. for respondent Nos. 1 to 5
Mr. S.B. Talekar, Advocate for respondent No. 6

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 26th August, 2016

PER COURT :

Heard the learned counsel for the parties.

2. This writ petition takes exception to the order dated 3rd May, 2016, passed by respondent No. 3 and seeks injunction restraining respondent No. 6 from excavating the sand from village Awade-Unchegaon, Taluka Paithan, District Aurangabad.

3. At the outset, the learned counsel appearing for respondent No. 6 invites our attention to the order dated 6th May, 2016, passed by the Division Bench of this Court (Coram : S.V. Gangapurwala and K.K. Sonawane, JJ.), passed in Writ Petition No. 5299 of 2016 and

submits that the order dated 3rd May, 2016, passed by respondent No. 3 was challenged in the said writ petition and the Division Bench of this Court has passed the speaking order therein. In that view of the matter, the present writ petition is not maintainable.

4. Though the learned counsel for the petitioners advanced arguments on merits, in our opinion, since the Division Bench of this Court, in Writ Petition No. 5299/2016, has examined the legality of the order dated 3rd May, 2016 passed by respondent No.3, the legal challenge to the said order at the instance of different petitioners cannot be gone into, that too when the order dated 6th May, 2016 passed by the Division Bench is a speaking order.

5. In view of the reasons aforestated, we are not inclined to entertain this writ petition. For the reasons which are recorded in the order dated 6th May, 2016, passed by the Division Bench of this Court in Writ Petition No. 5299/2016, if the petitioners are advised, they can also approach the Committee constituted as per clause 17 of the Government Resolution dated 12th March,

2013, seeking redressal of the grievances. With the above observations, the writ petition stands rejected.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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