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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2349 OF 2015

Shri Vikram Mahadeo Pawar & Ors. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. S.T. Bhosale i/by Mr. Dilip Bodake for the Petitioners.
Mr. Manish Pabale, AGP for the Respondent Nos.1 to 5.
Mr. Ajit Kenjale i/by Mr. Datta Mane for the Respondent Nos.6 and 7.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 20th OCTOBER, 2016

PC.

. **Not on board. Taken on board.**

1 It is not in dispute that the permission granted to sixth and seventh Respondents to excavate sand in respect of the location at Item Nos.40 and 41 described in the advertisement at Exhibit – H to the Petition cannot be acted upon. The reason is that the period for excavation mentioned in the advertisement is already over. The advertisement mentions that the excavation was to be permitted only till 30th September, 2015.

2 In view of this clear position, the challenge in the Petition does not survive and the same is disposed of. However, this order will

not prevent Respondent Nos.5 and 6 from seeking refund of the amounts deposited by them with the State Government. If an application for refund is made, the same shall be disposed of in accordance with law within a period of six weeks from the date on which the application is made.

(A.A. SAYED, J)

(A.S. OKA, J)