

vat

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 6975 OF 2016***

Hanumant Manik Pawar

....Petitioner

Vs.

***The State of Maharashtra
through the Department of
Revenue and Forest Dept. and Ors.***

....Respondents

None for the Petitioner

Mr. C.P. Yadav – AGP for the State

***CORAM : V. M. KANADE &
M.S. SONAK, JJ.***

DATE : JUNE 29, 2016

P.C. :

1. None appears on behalf of the Petitioner. The Petitioner is seeking the following reliefs:

“(a) Rule nisi be issued and records and proceedings be called for;

(b) By a suitable writ, order or direction this Hon'ble Court may be pleased to direct the Respondents to take forthwith appropriate action to execute Panchanama and action to prosecute

the Respondent No.10 and other persons including Respondent No.2 and 6 to 9 who are assisting the Respondent No.10 in illegal act to excavate and extract the sand at village Kharsoli-Chale beyond permission granted by Hon'ble Collector.

- (c) Pending the hearing and final disposal of the present Petition the Respondent No.10 or his agents and/or persons acting through him be restrained by an order of injunction restraining them from any further excavation and/or extract sand from River Bhima at village Kharsoli - Chale spot as per the order dated 09.03.2016 at Exhibit-B of the petition.
- (d) Pending the hearing and final disposal of the present Petition, the Court commissioner be appointed immediately to inspect the site and put the facts and circumstances on record.
- (e) Pending the hearing and final disposal of the present petition the Respondent No.2 be directed to

submit immediate report as to what action is taken by Respondent No.2 in connection with letter by Respondent No.3 dated 2.6.2016 and be directed the Respondent No.4 to proceed to prosecute the wrong doers and take action immediately in accordance with law.

- (f) Interim and ad-interim relief in terms of prayer clauses (c), (d) and (e) may kindly be granted.
- (g) Costs of this Petition be provided for.
- (h) Any other order necessary in the interest of justice may kindly be issued.”

2. In our view, the reliefs claimed by the Petitioner cannot be granted by us while exercising our writ jurisdiction under Article 226 of the Constitution of India. Reserving the right of the Petitioner to exhaust the which is available in law, writ petition is disposed of.

M.S. SONAK, J.

V.M. KANADE, J.