

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5487 OF 2015

Sarafraz Amin Gondil

..vs..

The State of Maharashtra, thr its Secretary, Revenue and Forest Department,
Mantralaya, Mumbai and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri A.A. Naik, counsel for the petitioner.
Shri S.M. Uike, AGP for R-1 to 3.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : JANUARY 5, 2016.

Heard.

The petitioner seeks a writ of mandamus to direct the respondents to extend term of allotment of sand ghat situated at Vainganga river, Gat No.509 admeasuring about one hectare. Submission is, he could not excavate the sand from said Ghat for the entire length of period for which it was allotted i.e. upto 30.9.2015.

The petitioner attempts to demonstrate that after 3.7.2015, he could not excavate the sand ghat.

Reply-affidavit shows that on 19.3.2015 an order prohibiting the petitioner from using machines for excavation was passed and it was questioned in Writ

Petition No.3932 of 2015. That order was set aside on 14.7.2015. Therefore, after 14.7.2015, there was no prohibitory order or restraining order which could have stopped the petitioner from excavating sand ghat. The show cause notice issued to the petitioner is prior to 14.7.2015 and, therefore, does not survive after orders of this Court in above mentioned writ petition.

In this situation, we find substance in the contention of the respondents that the petitioner himself stopped excavation for the reasons best known to him.

In any case disputed questions do arise in this matter. We are, therefore, not inclined to interfere the writ jurisdiction. The writ petition is disposed of. No costs.

JUDGE

JUDGE

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