

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

23 WRIT PETITION NO. 8687 OF 2015

HIMAYAT NOOR ISLAM PATEL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. J. H. Singh, Advocate for the petitioner,
Mrs. V.H . Patil, AGP for respondents 1 to 3-State.

**CORAM : S. V. GANGAPURWALA &
 K. L. WADANE, JJ.**

DATE : 23rd January, 2017

ORDER:

1. Learned AGP raises objection that alternative remedy is available under the Maharashtra Land Revenue Code and the Maharashtra Minor Minerals Extraction (Development and Regulation) Rules, 2013. In view of that though Mr. Singh the learned counsel sought to canvass arguments on merits, we are not inclined to consider the same. Writ petition is disposed of with liberty to the petitioner to avail alternate remedy. All contentions of the respective parties are kept open.

2. The petitioner is entitled to agitate all the grounds agitated in this petition. The Authority where the proceedings would be filed shall consider the time spent in prosecuting the present petition. If within a

month, the counsel for the petitioner files the proceedings before the appropriate authority, then the issue of limitation would not be raised by the respondents.

3. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC