

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

WRIT PETITION NO. 11072 OF 2017

VISHAL SAMBHAJI KUDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.U.R. Awate h/f Talekar
and Associates
AGP for Respondents Nos.1 & 3 : Smt.R.P. Gaur.

...
CORAM : S.V.GANGAPURWALA & V.L. ACHLIYA, JJ.
Dated: DECEMBER, 18, 2017

...

The petitioner had moved the State for extension of time to excavate the sand and for refund of the amount deposited on account of not giving possession to excavate the sand. The Honourable Minister passed an order on 17.7.2014 rejecting the prayer of the petitioner for extension of time to excavate sand. However, directed the Collector to take up further proceedings with regard to the claim of the petitioner for refund of the amount.

2. Mr. Awate, learned Advocate for the

petitioner submits that after the order was passed by the Honourable Minister, no further steps are taken by the Collector.

3. The Collector as a officer has to pass orders in compliance of the order of the superior i.e. Honourable Minister. The Collector is bound to take up the proceedings and pass an order with regard to the entitlement of the petitioner for refund of the amount. The petitioner shall appear before the Collector i.e. respondent No.3 on 15th January, 2018. After hearing the petitioner, respondent No.3 shall take decision about the entitlement of the petitioner to receive the amount of refund, on its own merits and in accordance with law expeditiously, preferably within four months from the date of appearance of the petitioner.

4. Writ petition is disposed of. No costs.

(V.L.ACHLIYA, J) (S.V.GANGAPURWALA, J)