

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

WRIT PETITION NO. 11100 OF 2016

Shivshai Building Material Suppliers
Through Proprietor
Sachin Vishram Porje

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. K.B. Borde Patil, Advocate for petitioner.
Mr. A.R. Borulkar, A.G.P. for respondents.

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATED : 17th FEBRUARY, 2017**

ORDER :

1. The petition is filed for issuing direction to respondent to refund the whole of the amount deposited by petitioner in connection with the sand spot of Mahegaon Deshmukh with interest. Heard both sides.

2. It is the case of petitioner that he could not do excavation due to resistance of the villagers of that area. The matter involves the factual aspect and further there is Government Resolution dated 12th March,

2013 produced on record showing that whenever there is grievance of such nature, the grievance needs to be resolved by the government (Clause No.9). The relief claimed can be considered by the government in view of the government resolution and if government forms opinion that the time can also be extended, such relief can be granted. In view of the specific remedy made available by government, this Court holds that it is not possible to interfere in the matter. The matter also involves the enquiry into the fact.

3. So, petition is disposed of with aforesaid observations. There is liberty to move to the government. If such application is moved, decision is expected on the application within one month from the date of application.

(SANGITRAO S. PATIL, J.) (T.V. NALAWADE, J.)

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