

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

5 WRIT PETITION NO. 846 OF 2016

VISHAL SHAM SAGANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Ghatge Mahesh V.
AGP for Respondents: Mr. S.G. Karlekar
Advocate for Respondents : Mr. Sachin S. Deshmukh
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 24.07.2017

P.C. :-

. On instructions, the petitioner's advocate seeks leave to withdraw the writ petition, with liberty to file an appeal. It is conceded that an appeal is provided so as to impugn the subject decision.

2. Since the petitioner is anxious that sand should not be excavated beyond the permissible limit and set out in the orders to that effect, in the event the appeal is filed, we expect the appellate authorities to dispose it of as expeditiously as possible and in any event within a period of two months from its filing/institution.

3. The writ petition is disposed of as withdrawn, with liberty as prayed for. No order as to costs.

4. The petitioner may have moved the authorities with a complaint that there is illegal sand excavation. The fact remains that at one time the petitioner was a partner of the firm which is stated to have illegally excavated the sands, there were disputes inter se and there was a criminal prosecution as well.

5. In the circumstances, out of the security deposit of Rupees One Lakh and which is lying deposited with this Court, a sum of Rupees Fifty Thousand only shall be released to the petitioner and the balance sum with accrued interest shall be transferred to the High Court Legal Services Sub-Committee.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]