

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

22 WRIT PETITION NO. 336 OF 2016

GIRISH RAMESH CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Bhausahab S. Deshmukh, Advocate, for
petitioner.

Shri. A.S. Shinde, Assistant Government Pleader,
for respondent Nos.1 to 4.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 27 February 2017

ORDER:

1) The petition is filed for following
reliefs.

"(B) The Hon'ble Court may please to
issue the writ of mandamus or any other
appropriate writ of like a nature thereby
issue direction against the respondent
authorities to take permanent action
against the unauthorized stone crusher
units in the jurisdiction of Muktainagar
Taluka.

(C) The Hon'ble Court may please to issue
appropriate writ or direction of like
nature thereby restrain the respondent
authorities to take any action against the
present petitioner in view of the notice
dated 27-10-2015 and 4-12-2015 issued by
respondent no.4."

Heard both the sides.

2) In the notice dated 27-20-2015 the Tahsildar, authority under the Maharashtra Land Revenue Code and also under the Mines and Minerals Act had asked to deposit royalty amount of Rs.5,15,470/- and other charges like rent etc. Opportunity was also given to the petitioner to produce record if he had the dispute about the calculation made by the authority of the royalty amount. In stead of filing reply and satisfying the authority, the petitioner has rushed to this Court.

3) The submissions made and the record show that similar action was taken against all owners of the stone crushers. Under the aforesaid provisions the authority has right to take action and even penalty can be recovered. When such order is made by the Tahsildar, the order can be challenged before the appellate authority and the decision can be taken upto the Government in challenge. Further the rival contentions

involve factual aspects. In view of these circumstances, this Court holds that the aforesaid reliefs cannot be granted in the matter like the present one.

4) Learned Assistant Government Pleader submitted that no response was given to the aforesaid show cause notices and ultimately the Tahsildar was required to issue instructions to the Electricity Company to stop supply of the electricity to such stone crushers. Learned counsel for the petitioner submitted that the issue regarding communication made with the Electricity Company is settled. Still it can be said that the issue with regard to royalty and penalty needs to be decided by the appellate authority on the basis of the facts of the matter. This Court is not expected to entertain such matter. The writ petition stands dismissed.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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