

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13640 OF 2016

Ajinkya Shivaji Sapate. .. Petitioner
Vs
The State of Maharashtra and Another. .. Respondents
—
Shri G.N. Salunkhe i/b Shri Naveen B. Khaire for the Petitioner.
Shri Manish Pabale, AGP for the Respondent Nos.1 and 2.
—

CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 16TH JANUARY 2017

P.C.

1. The Petitioner is relying upon the order dated 17th March 2009 issued by the District Collector to him permitting him to excavate sand from a particular spot mentioned in the said order for the period from 1st March 2009 till 31st July 2009. According to the case of the Petitioner, due to various reasons, he could not excavate the sand. He is relying upon Exhibit-C to the Petition which is the communication addressed by the Circle Officer to the Tahsildar, Pandharpur. The said communication contains a recommendation that the period be extended. After lapse of more than five years, on 8th September 2015, the Petitioner made a representation to the then Hon'ble Minister of Revenue Department for grant of an alternate spot. The grievance in

the Petition is that though the Hon'ble Minister of the Revenue Department had directed the Deputy Secretary to submit a proposal, no proposal has been submitted.

2. We have heard the learned counsel appearing for the Petitioner. On 20th March 2009, the Petitioner submitted a letter to the District Collector, Solapur making a protest about the fact that the villagers were obstructing the excavation. Thereafter, no written grievance has been admittedly made by the Petitioner till 8th September 2015 when the Petitioner addressed the aforesaid letter to the Hon'ble Minister of the Revenue Department.

3. Without following the procedure laid down by the State Government in the Government Resolutions issued after 2009, now there is no question of making an allotment of another spot to the Petitioner. The subsequent Government Resolution provides for conducting public auction of the right to excavate the sand. Therefore, we are unable to issue a writ of mandamus directing the State Government to decide the representation.

4. If the Petitioner has a money claim and the same is within limitation, the Petitioner can always adopt appropriate remedy in accordance with law.

5. Subject to what is observed above, the Petition is rejected.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)