

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 270 OF 2017
IN
WRIT PETITION No. 6698 OF 2016

The State of Maharashtra & Ors. ... Petitioners
Vs.
Ganesh Traders ... Respondent

Mr. N. C. Walimbe, AGP for the Petitioners.

Mr. Uday Warunjikar i/b Jyotiram Shankar Yadav, for Respondent.

CORAM : V. M. KANADE, &
M. S. SONAK, JJ.

DATE : JUNE 6, 2017
(at 2.40 p. m. in chamber)

PC.

1. The Petitioner - State is aggrieved by an order dated 7th July, 2016 passed by this Court extending the period of excavation of sand till the end of December, 2016. The learned AGP appearing on behalf of the Petitioners submitted that the concession which was given by the learned AGP to this Court is contrary to the policy of the State Government. He has brought to our notice policy of the State

Government and the various other instances in support of the said submission.

2. Mr. Warunjikar, learned counsel appearing on behalf of the Respondent submitted that despite the order being passed by this Court, Respondent was not permitted to excavate the sand, and after he filed a contempt petition, present civil application is taken out by the State Government. The Respondent may take recourse to such remedy which is available in law.

3. We have perused the said order. The said order was passed in view of the concession made by the learned AGP, on the instructions of Mr. Parhate, Desk Officer, Revenue Department. The said period of excavation is over, and the civil application has become infructuous. It is clarified that the said order which was passed granting extension is without prejudice to the rights and contentions of the State Government and it may not be treated as a precedent. Civil application is accordingly disposed of in the aforesaid terms.

Sd/-
[M. S. SONAK, J.]

Sd/-
[V. M. KANADE, J.]