

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

WRIT PETITION NO. 821 OF 2018

Sandeep Sambhaji Pharate through
his power of attorney holder
Macchindra Babanrao Choudhary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Hon, Senior Advocate i/by Shri A. V. Hon, Advocate for
the Petitioner.

Shri A. S. Shinde, A.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVAL, JJ.**

DATE : 23RD JANUARY, 2018.

FINAL ORDER :

. Issue notice to respondents. The learned A. G. P. waives
notice for all respondents.

2. Mr. Hon, the learned senior advocate for the petitioner
submits that, the sand spot was allotted to the petitioner,
however, excavation could not be undertaken because of the
orders of the National Green Tribunal and the other
contingencies. The petitioner had moved for refund of amount to
the Collector. The Collector communicated to the petitioner that,

he has no jurisdiction to entertain such application and the jurisdiction vests with the State Government. The learned senior advocate submits that, the petitioner approached the State Government on 29.12.2017, however, the same is not considered. Even reminder was given, but it is not yet decided.

3. We have heard the learned Assistant Government Pleader.

4. In case, the application filed by the petitioner (Exhibit – L collectively) is pending with the respondent No. 1, then the respondent No. 1 shall take decision upon it on its own merits, in accordance with law, expeditiously and preferably within a period of three (03) months from today. The writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]