

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

WRIT PETITION NO. 10694 OF 2017

Baliram Gangaram Merewar & Ors.

... Petitioners

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr S. P. Brahme, Advocate for the petitioner
Mr S. G. Karlekar, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 08TH JANUARY, 2018.

ORDER:

1. The application filed by the petitioners for excavation of the land from the land owned by them is rejected. On the basis of the report of the Geological Department, Sub-Divisional Officer, Degloor, on 03.06.2017, opined that it would not be necessary to conduct resurvey.

2. In fact, the petitioners had filed an application for resurvey on 12.07.2017, however, without considering it, the Collector, Nanded, rejected the same.

3. Considering the opinion expressed by Sub-Divisional Officer, we pass the following order.

ORDER

- (i) The respondent-authority shall conduct resurvey of the availability of the sand and viability and feasibility of excavation of sand from the land of the petitioners considering all the relevant aspects including the aspect of environment.
- (ii) The resurvey shall be conducted expeditiously, preferably within three weeks from today.
- (iii) On resurvey being conducted, the respondent-authority shall consider the application of the petitioners and pass orders afresh within a period of three weeks thereafter.
- (iv) While considering the applications, the impugned order would not be an impediment.

4. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde