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

PUBLIC INTEREST LITIGATION NO.127 OF 2018

1. Rahul s/o Mcchindra Bhalerao,
Age: 30 years, Occu: Social workers,
R/o. Adgaon (Bk.),
Tq. and District Aurangabad
2. Balkrishna s/o Pandharinath Ingle,
Age: 53 years, Occu: Social worker,
R/o. R-42/2, Mukundwadi, Tornagadnagar,
N-2, CIDCO, Aurangabad,
Tq. and Dist. Aurangabad

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Revenue Department,
Mantralaya, Mumbai-32
2. The District Mining Officer/
District Collector, Aurangabad,
Tq. and District Aurangabad
3. The Tahsildar, Aurangabad,
Tq. and Dist. Aurangabad
4. Gram Panchayat, Adgaon (Bk.),
Tq. and Dist. Aurangabad
(Through its Gram Sevak)
5. Shri Satguru Stone Crusher,
At Adgaon (Bk.),
Tq. and Dist. Aurangabad
(Through its Proprietor)
Shri Bhagwan Janardhan Daspute,
Age: 36 years, Occu: Agril. & Business,
R/o. Land Gat No.146, Adgaon (Bk.),
Tq. and Dist. Aurangabad

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6. The Executive Engineer,
Maharashtra State Electricity
Distribution Company Limited,
Rural, Aurangabad, Opp. Garware
Stadium MIDC, Aurangabad,
Tq. and Dist. Aurangabad ..RESPONDENTS

Mr V. J. Dhage, Advocate for petitioners;
Mrs A. V. Gondhalekar, A.G.P. for respondent Nos.1 to 3

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 16th October, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioners.

2. The petitioners, who are claiming as social workers are before this Court with a grievance that respondent No.5 is a unit of undertaking the activities of stone crushing, which is being run by one Bhagwan Janardan Daspute, resident of Adgaon (Bk.), Tq. and Dist. Aurangabad. Mr Dhage, learned Counsel for the petitioners submits that respondent No.5 is operating the stone crusher in Gayran land at Adgaon and this area is of Gut No.146. It is further submitted by Mr Dhage that operating stone crusher in Government land, without there being any permission from the Government, is an act which is in breach of the Government Resolution and contrary to the decision of the Honourable the Apex Court.

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3. Mr Dhage, learned Counsel also invited our attention to certain provisions of the Maharashtra Land Revenue Code, 1966 and Government Resolution dated 12th July, 2011. He submits that the petitioners approached the District Collector, Aurangabad by submitting representation dated 26th July, 2018. He further submitted that by taking recourse to the Right to Information Act, the petitioners, sought for information and it was informed to them by communication dated 2nd August, 2018 through the office of the Tahsildar that neither there is any record available in the office of the Collector granting permission to respondent No.5 nor there is any record granting permission to respondent No.5, but then there was a reference to the fact that respondent No.5 has deposited an amount against royalty by way of a challan dated 17th July, 2018. Mr Dhage further submits that as no heed is paid by the Collector on the representation dated 26th July, 2018, the petitioners are before this Court by way of present public interest litigation.

4. The sequence of events clearly show that representation is submitted to the office of the Collector at the behest of petitioner No.2, who is an office bearer of a political party. On 2nd August, 2018 an opinion is sought for and on 27th August, 2018 the present petition is filed in this court. If the representation was submitted on 26th July, 2018 and if certain opinion was received by the petitioners subsequent to the representation on 2nd August, 2018, the petitioners were not prevented to apprise the Collector about this opinion. Be that as it may, we are of the opinion that the representation is

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pending before the competent authority i.e. the Collector, Aurangabad. The competent authority would require some time to apply its mind on the representation and decide the same on its merits. It is also possible that competent authority like the Collector may call for certain opinion or report from his subordinate officers to assess the merits of the representation.

5. Considering the above referred facts, we are of the opinion that the grievance of the petitioners can be redressed by directing the District Collector, Aurangabad to decide the representation filed by the petitioner No.2, as early as possible, needless to state on merits of the representation and if needed, by giving opportunity of hearing to the petitioners and it is accordingly directed.

With these directions, public interest litigation is disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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