

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

WRIT PETITION NO. 11033 OF 2017

Shaikh Meera Mohiuddin

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr S. D. Hiwarekar, Advocate h/f Ms A. N. Ansari, Advocate for the
petitioner

Mr P. S. Patil, AGP for respondent/State

.....

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

DATE : 21ST MARCH, 2018.

ORDER:

1. The learned counsel for the petitioner submits that, the petitioner had applied for excavation of the sand from his own land bearing Gut No. 260 adm. 96R. situated at Tamloor, Tq. Degloor, Dist. Nanded. However, the respondents carried out the inspection of land Gut No. 262 owned by another person and did not pass any orders on the application of the petitioner for a long time. The learned counsel submits that, because of the sand on the land of the petitioner, the land of the petitioner is inundated. The petitioner be allowed to lift the sand from Gut No. 260 to the extent of 5000 Brass.

2. We have heard the learned Assistant Government Pleader. The affidavit is filed by the Naib Tahsildar, Tahsil Office, Degloor, Tq. Degloor along with the report of the joint survey conducted by the officer of the Meteorological Department, District Mining Officer, Dy Superintendent, Land Records. As per the said report, the sand is not available for excavation from land Gut No. 260.

3. Naturally, the permission can be granted for excavation of sand only if the necessary sand is available as per the width and depth of the sand. The report is of January 2016. The respondents may consider the positing existing as on date. The respondents may get the joint survey done in respect of the land of the petitioner bearing Gut No. 260 at Tamloor, Tq. Degloor and depending upon the report received shall take decision on the application made by the petitioner for excavation of the sand from the land of the petitioner. The decision shall be taken after the necessary process expeditiously, preferably by 30.04.2018.

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

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE