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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4374 OF 2016

|                                     |                |
|-------------------------------------|----------------|
| Sinhgad Technical Education Society | ...Petitioner  |
| V/s.                                |                |
| State of Maharashtra & Ors.         | ...Respondents |

Mr.V.P. Sawant i/b Mr.Nitin Dhumal for the Petitioner.

Ms.Kavita N. Solunke, A.G.P. for the State – Respondent Nos.1 to 3.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 25TH JUNE, 2018.**

**P.C. :-**

1. This matter was adjourned on 14<sup>th</sup> June, 2018 to enable the learned A.G.P. to take instructions whether the matter can be remanded back to the learned Tahsildar for deciding the matter *de-novo*. Ms.Solunke, learned A.G.P. for the respondent nos.1 to 3 on instructions states that the matter can be remanded back to the learned Tahsildar for deciding the matter *de-novo*. The statement is accepted.

2. It is made clear that the learned Tahsildar shall adjudicate on the issue as to how much Murum and other excavated material had been used on the same plot by the petitioner. Learned Tahsildar shall also consider the amendment dated 11<sup>th</sup> May, 2015 read with

Rule 46 of the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 while conducting the enquiry afresh.

3. In view of the statement made by the learned A.G.P. for the respondent nos.1 to 3, the impugned order dated 16<sup>th</sup> March, 2016 is set aside. The proceedings are restored before the learned Tahsildar, Maval for deciding the matter afresh and in accordance with law without being influenced by the observations made and the conclusion drawn in the impugned order dated 16<sup>th</sup> March, 2016. Learned Tahsildar shall pass a fresh order after giving an opportunity to the petitioner of being heard. The order shall be passed expeditiously and not later than four months from the date of the first meeting.

4. The petitioner is directed to remain present before the learned Tahsildar, Maval on 10<sup>th</sup> July, 2018 at 3:00 p.m. without fail.

5. The parties as well as the learned Authority to act on the authenticated copy of this order.

6. The writ petition is disposed of in aforesaid terms. No order as to costs.

**(R.D. DHANUKA, J.)**