

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 12107 OF 2016

...	Petitioner
Ajay Rajendra Pawar	
V/S	
State Of Maharashtra And Ors.	Respondent

...

Mr.Hrishikesh Nadkarni i/by Sandeep S Salunkhe for the Petitioner.
 Mrs.M.S.Srivastava, AGP for the State.

...

CORAM : A.A. SAYED &
A.K.MENON, JJ.

DATED : 12 DECEMBER 2018

P.C.:

The Petition challenges the process of Auction of sand in Pune District in River bed Bhima, Mula-Mutha and Indrayani for the year 2016-17. According to the Petitioner, the reserved price for auction of sand was exorbitant and illegal and against the policy of the Government.

2. Learned AGP informs us that the auction sale has already been conducted. She has pointed out averments made in the Affidavit-in-Reply filed by the District Mining Officer, particularly paragraph 4 thereof, which reads as under:

“4. I say that, the said challenge may not be entertained as the Writ Petition is not maintainable. This is because the Petitioner has never participated in the auction and he is not an aggrieved party. He has no locus standi to file this Writ Petition. The highest bidders

have accepted the auction by paying more than the upset price. None of them are complaining. The Petitioner's writ petition is against the financial interest of the public treasury. If the petition is allowed, then the government may lose substantial revenue. The Petitioner's challenge is confined to fixing the upset price of the sand at which, the sand has been auctioned. According to the Petitioner, the auction is contrary to the government resolution dated 12-03-2013. I say that, there is no substance in the said challenge for the reasons stated hereinafter. The question of maintainability may be decided before entertaining the case”

3. The Petitioner has not participated in the auction and has no locus standi to file this Petition and he cannot be said to be an aggrieved party. Even otherwise, it appears that due to passage of time, the Petition is rendered infructuous. In the circumstances, the Petition is dismissed.

(A.K.MENON,J.)

(A.A.SAYED, J.)