

(1)

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

WRIT PETITION NO.2787 OF 2019

Balasaheb s/o Vishwanath Pansare,
Age: 48 years, Occu: Agril.,
R/o. Waghapur, Tq. Sangamner,
District Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32
2. The District Collector, Ahmednagar,
District Ahmednagar
3. The Sub-Divisional Officer,
Sangamner Division, Sangamner,
District Ahmednagar
4. The Tahasildar, Sangamner,
Tq. Sangamner, Dist. Ahmednagar
5. The Talathi,
Village Waghapur,
Tq. Sangamner,
Dist. Ahmednagar
6. Uttam s/o Vishwanath Pansare,
Age: 45 years, Occu: Contractor,
R/o. "Dighe Building",
In front of Divekar Gas,
Sangamner, Tq. Sangamner,
Dist. Ahmednagar

..RESPONDENTS

Mr R. D. Bhalerao, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 to 5

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

(2)

DATE : 5th March, 2019**ORAL ORDER:**

Heard learned Counsel appearing on behalf of the petitioner.

2. Considering the limited issue raised in the petition, the petition is taken up for hearing/disposal at the stage of admission.

3. A representation dated 17th December, 2018 is submitted to the Talathi, Waghapur, Tq. Sangamner, Dist. Ahmednagar. The tenor of the representation is that there is an illegal excavation from the river bed. It is stated in the representation that by misleading the government authorities, Respondent No.6 - Mr Uttam Vishwanath Pansare is excavating sand, thereby causing serious damages to ecology and as such, it may result in imbalance of the environment.

4. Though there are the references to show that the petitioner is seeking an action against his brother, considering the nature of the grievance that there is an illegal excavation from the river bed, we propose to dispose of the petition with directions.

5. Issue notice to respondents, returnable forthwith.

(3)

6. Learned Asstt. Govt. Pleader waives service of notice for respondent Nos.1 to 5.

7. Respondent No.5 is directed to decide the representation/application dated 17th December, 2018, submitted by the petitioner as early as possible and not later than four weeks from the date of the order of this Court, needless to state on its own merit and on verification of the record, and if needed, by granting an opportunity of hearing to the parties and respondent No.5 either may call report from the village officer or may personally visit the spot for his satisfaction.

With the aforesaid observations/directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk