IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11728 OF 2019

Vijay Bhagwanrao Chavan … Petitioner
Vs.
The State of Maharashtra through the
Revenue and Forest Department and others … Respondents

Mr. A. M. Kulkarni a/w. Mr. Vaibhav Kulkarni for Petitioner.
Mr. N. C. Walimbe, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : NOVEMBER 15, 2019

P.C. :

Heard Mr. Kulkarni, learned counsel for the petitioner and Mr. Walimbe, learned AGP who waives notice for all the respondents-State.

2. Petitioner was granted lease for extraction of stone from the stone quarry at Village Amrutwadi, Taluka Wai, District Satara vide order of the Collector, Satara dated 17.11.2014 for a period of 5 years.

3. It is submitted that the five-year period would be expiring tomorrow i.e. 16.11.2019. In the meanwhile, in terms of Rule 18 of the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, petitioner had made an application before the Collector for extension of the lease period by 5 years. The said application for extension of lease however was rejected by the Collector vide order dated 01.11.2019.

4. Against such rejection order, petitioner has preferred appeal before the Divisional Commissioner, Pune Division, Pune i.e. respondent No.3 along with an application for stay on 02.11.2019.

5. Grievance of the petitioner is that respondent No.3 has not taken

up the appeal as well as stay application for consideration. In the meanwhile, petitioner apprehends that respondent No.2 may go ahead with issuing fresh lease for extraction of stone from the said stone quarry. In such circumstances, writ petition has been filed.

6. After hearing learned counsel for the parties and on due consideration, Court is of the view that it would be in the interest of justice if the appellate authority is directed to decide the appeal as well as the stay application of the petitioner one way or the other in accordance with law within a stipulated period and till such time, not to issue / grant fresh lease or not to dispossess the petitioner from the site.

7. In view of above, respondent No.3 is directed to consider the appeal of the petitioner filed on 02.11.2019 along with the application for stay and decide the same in accordance with law within a period of 4 weeks from the date of furnishing of an authenticated copy of this order.

7.1. During this period of 4 weeks, petitioner shall not be dispossessed from the stone quarry in question.

7.2. Authority would be at liberty to make appropriate arrangement with the petitioner during the interregnum.

8. With above directions, Writ Petition is disposed of.

(UJJAL BHUYAN, J.)

Minal Parab