

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 5178 of 2018

Devkumar Tharumal Lakhani

Vs.

The District Collector, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Aditi Warujkar, Advocate for petitioner.
Mrs. Swati Kolhe, AGP for respondents.

CORAM : MANISH PITALE, J.

DATED : MAY 2, 2019

By this writ petition, the petitioner has challenged order dated 30/01/2018, passed by the respondent No.1, Collector suspending the mining quarry lease of the petitioner on the ground that the lease area was not having wire fencing on boundary and pillars. After the notice was issued on 14/08/2018 & 24/04/2019, this Court passed an order directing the respondent No.2 to carry out inspection of the lease area because a specific submission was made on behalf of the petitioner that he had completed the process of installing pillars and wire fencing. Pursuant to the said order on 25/04/2019, the respondent No.2 carried out the above exercise in presence of the petitioner. A panchanama was prepared. The same has been annexed to the reply submitted on behalf of

respondent No.2. The said reply is taken on record. The aforesaid panchanama records the fact that now there is indeed existence of pillars and wire fencing around the areas of the quarry lease.

2. Therefore, it becomes evident that now the reason why the quarry lease of the petitioner was suspended has ceased to existence. Hence, in view of the subsequent events, the present writ petition is allowed and the impugned order dated 30/01/2018, is quashed and set aside. The petitioner is directed to conduct the mining activities strictly in conformity with the lease granted.

3. Since the order of suspension stands set aside, the respondents are expected to take follow up action to facilitate the petitioner in working the quarry lease.

4. Hamdast is granted.

JUDGE