

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

916 WRIT PETITION NO.5603 OF 2021

YAKUB AYYUB SHAIKH

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

...

Advocate for Petitioner: Mr. Khade Kishor D.

AGP for Respondents: Mr. S. G. Karlekar

...

**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 01st APRIL, 2021

PER COURT:

1. We have heard Mr. Khade, learned Counsel for the petitioner and the learned A.G.P. for the respondents.

2. It appears that the Sub Divisional Officer, Bhokardan has already directed the Tahsildar and the other authority to take necessary action against Bhagwan Tulshiram Bhosle and Sudam Nivrutti Ghode, as per communication dated 10.02.2021. The authorities certainly will be bound to conduct the enquiry as per the said communication on record.

3. The other grievance of the petitioner is that in view of illegal excavation by the others the petitioner is not in a position to extract the soil and his application for permission to extract from nearby tank to his land situated at Gut No. 61 of village Goshegaon not being considered.

4. We direct the respondent authorities to consider the application of the petitioner for extraction of soil from nearby tank to his land situated at Gut No. 61 of village Goshegaon on its own merits and take decision upon it preferably within ten (10) days.

5. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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