

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

**PUBLIC INTEREST LITIGATION NO. 42 OF 2020
WITH CA/1591/2021 IN PIL/42/2020**

Hiralal Magan Chaudhary

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Amit S. Savale, Advocate for the Petitioner.

Mr. D. R. Kale, I/c. G. P. for Respondent Nos. 1 to 8.

Mr. G. K. Naik Thigle, Advocate for Respondent No. 9.

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

DATED : 03rd February, 2021.

PER COURT:-

. It appears that the purpose of public interest litigation stands served.

2. The enquiry was conducted by the Tahsildar and order is passed on 20.01.2021 wherein the Tahsildar found illegal excavation being made by respondent No. 9 and he has imposed penalty of Rs. 1,62,98,040/- (Rupees One Crore Sixty Two Lakh Ninety Eight Thousand Fourty only) upon respondent No. 9 with additional royalty amount of Rs. 32,59,508/- (Rupees Thirty Two Lakh Fifty Nine Thousand Five Hundred Eight only). He has also recommended to the

Collector to cancel the allotment of mineral spot to the respondent No. 9.

3. Mr. Savale, learned counsel for the petitioner submits that further enquiry was ought to have been made. There are two large ditches.

4. The petitioner had sought re-enquiry, re-assessment and re-measurement in the matter of excavation of minerals by respondent No. 9 in land Gat nos. 15, 28 and 29. On 19.10.2020, this Court recorded the statement of the learned in-charge Government Pleader that the Tahsildar is appointed as an enquiry officer. We observed in the said order that ten (10) months have lapsed from the date of the order of the Additional Collector directing re-enquiry, but no steps were taken by the enquiry officer. We directed the revenue officers to verify if any excavation has been done by respondent No. 9 from Gat Nos. 15, 28 and 29 situated at Navagaon and place the report.

5. Pursuant thereto, upon an enquiry the order is passed by the Tahsildar.

6. In view of the above, the purpose of the public interest litigation stands served. No further orders are necessary.

7. Public interest litigation accordingly is disposed of. No costs.

8. The parties may avail the remedy as may be permissible under law if aggrieved by action of authority. In that regard all contentions are kept open.

9. In view of the disposal of the public interest litigation, civil application also stands disposed of.

10. The amount deposited by the petitioner be refunded to the petitioner.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.