

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6519 OF 2021

Hari Om Sales and Service,
Purna Road, Nanded,
Through its Proprietor

... Petitioner

VERSUS

State of Maharashtra & anr.

... Respondents

Mr S.G. Chapalgaonkar, Advocate for petitioner;
Mr S.G. Karlekar, AGP for respondents

**CORAM : DIPANKAR DATTA, CJ
AND
RAVINDRA V. GHUGE, J.**

DATE : JUNE 14, 2021

PC :

1. The petitioner claims that it responded to an e-tender notice inviting bids for excavation of sand at Sawangi spot (Kayadhu river). Having emerged as the highest bidder, the petitioner was permitted by the State to excavate 1981 Brass of sand. The excavation activity was to be carried on till 31st May, 2021. Due to surge of the second wave of the pandemic, the State of Maharashtra imposed restrictions resulting in the petitioner failing to excavate the requisite quantity of sand, which it was permitted to excavate. Till 28th May, 2021 the petitioner could excavate 603 Brass of sand.

2. It is further claimed by the petitioner that the State of Maharashtra has taken a policy decision, vide Government Resolution dated 8th April, 2021, to extend the period of licence issued for excavation of minor minerals upto six months, in case the period of licence expires on 25th March, 2020. The District Collector was also given the authority to extend the period by further three months.

3. The petitioner also claims that citing the above circumstances, it made a representation to the District Collector, Hingoli. Therein, the conditions arising out of the second wave of the pandemic and the lockdown restrictions were referred to and a prayer was made for extension of the period of licence by six more months with effect from 1st June, 2021. The said representation, it is alleged, is pending.

4. Aggrieved by the alleged inaction and/or failure of the District Collector to dispose of the representation, the petitioner has instituted this writ petition.

5. We have heard Mr S.G. Chapalgaonkar and Mr S.G. Karlekar, learned advocates appearing for the petitioner and State, respectively. Considering the fact that the representation of the petitioner is yet to be finally decided by the Collector, we find no reason to keep this writ petition pending. The same stands disposed of with a direction upon the Collector to decide the petitioner's representation in accordance with law and upon granting him an opportunity of hearing, as early as

possible but positively within two weeks from date of receipt of a copy of this order. In the event the petitioner's prayer is not granted, the Collector shall support his order with reasons.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

amj