

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3552 OF 2021

Prashant Raosaheb Kathale

... Petitioner

Versus

State of Maharashtra and others

... Respondents

.....

Mr. Jagdish Aradwad (Reddy) for the Petitioner.

Mr. R.S. Pawar, AGP for the State.

.....

CORAM : S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.

DATED : AUGUST 4, 2021.

P.C. :-

1. The Petitioner is a resident of Barshi, District-Solapur and presently elected as a Corporator of Barshi Municipal Council. Respondent No.1 is the State of Maharashtra, represented by the Principal Secretary, Revenue Department, Respondent Nos.2, 3 and 4 are the District Collector of Solapur, Sub-Divisional Officer, Solapur No.1 and Tahsildar, Barshi respectively, and Respondent No.5 is a private party. The reliefs sought in the present Petition are reproduced hereunder :

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction in the like nature under Article 226 of the Constitution of India, thereby directing the Respondent No.1 to appoint an independent officer to conduct inquiry about the illegal excavation and extraction of mines and

minerals without taking prior permission from the State Government and to take appropriate action against the Respondent No.5 as contemplated U/sec. 48(7) & (8) of the MLRC, 1966 and under other applicable laws.

(b) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction in the like nature under Article 226 of the Constitution of India, thereby directing the Respondent authorities to initiate action U/sec. 48(7) & (8) of the MLRC, 1966 against the Respondent No.5 and his family members for illegal excavation and running stone crusher at village Soundare, Taluka Barshi, District Solapur without obtaining prior permission and without obtaining the prior mandatory NOCs from the various Departments of the Government.

(c) That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction in the like nature under Article 226 of the Constitution of India, thereby directing the Respondent Nos.2 to 4 to decide the Complaint of the Petitioner dated 16.02.2021 in accordance with the provisions of MLRC, 1966 R/w. The provisions of Environment (Protection) Act, 1986 and the MoEF Notification dated 14.09.2006 and take necessary action against the Respondent No.5 and his family members and submit compliance report to this Hon'ble Court within a fixed time schedule.

2. The Learned AGP has today informed the Court that pursuant to the complaint received from the Petitioner, Respondent Nos.1 to 4 have taken action and in fact, an Order dated 26th July, 2021 is passed by the Tahsildar, Barshi calling upon Indubai Raosaheb Andhalkar/Bhausahab Raosaheb Andhalkar to pay an aggregate sum of Rs.8,08,03,325/- and an amount aggregating to Rs.59,41,000/- respectively being the royalty as well as penalty set out in Order Nos.561 of 2021 and 562 of 2021 both dated 26th July, 2021. Since the grievance of the Petitioner is taken care of, the Petitioner is not pressing for any of the above reliefs. However, we make it clear that all

contentions of Indubai Raosaheb Andhalkar/Bhausahab Raosaheb Andhalkar with regard to the orders dated 26th July, 2021, are kept open. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)

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