

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7602 OF 2022

SANJAY KANHAIYALAL BHAMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.N.N.Desale, Advocate for the petitioners.
Mr.D.R.Kale, GP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : SEPTEMBER 12, 2022

PER COURT :

1. The petitioners have put forth prayer clauses B to G as under :-

"B. By way of appropriate writ, order or directions in the like nature, this Hon'ble High Court may kindly direct the respondent authorities to initiate the enquiry pursuant to the complaints dated 05.04.2022, 18.04.2022, 13.05.2022, 17.05.2022 and 31.05.2022 made by the petitioners in respect to illegal excavation of the mines and mineral by the respondent Nos. 9 to 11.

C. By way of appropriate writ, order or directions in the like nature, this Hon'ble High Court may kindly direct the respondent authorities to determine the royalty and penalty amounts against the illegal excavation by the respondent Nos. 9 to 11 and consequently to make recovery from the Contractors, towards unpaid royalty on account of

illegal excavation of mines and mineral by adhering to the provisions of the Maharashtra Land Revenue Code.

D. By way of appropriate writ, order or directions in the like nature, this Hon'ble High Court may kindly direct the respondent authorities to initiate civil, criminal and disciplinary proceeding against the delinquents / respondent Nos. 7 to 11 who are involved in commission of irregularities, misappropriation and illegalities in excavation of the mines and mineral without making payment towards the royalty.

E. Pending hearing and final disposal of this writ petition, this Hon'ble High Court may kindly direct the respondent authorities to initiate the enquiry pursuant to the complaints dated 05.04.2022, 18.04.2022, 13.05.2022, 17.05.2022 and 31.05.2022 made by the petitioners in respect to illegal excavation of the mines and mineral by the respondent Nos. 7 to 11.

F. Pending hearing and final disposal of this writ petition, this Hon'ble High Court may kindly direct the respondent authorities to determine the royalty and penalty amounts against the illegal excavation by the respondent Nos. 9 to 11 and consequently to make recovery from the Contractors, towards unpaid royalty on account of illegal excavation of mines and mineral by adhering to the provisions of the Maharashtra Land Revenue Code.

G. Pending hearing and final disposal of this writ petition, this Hon'ble High Court may kindly direct the respondent authorities to initiate civil, criminal and disciplinary proceeding against the delinquents / respondent Nos. 9 to 11 who are involved in commission of irregularities, misappropriation and illegalities in excavation of the mines and mineral without making payment towards the royalty."

2. We have considered the submissions of the learned Advocate for the petitioners and the learned Chief Government Pleader. Grievance is as regards illegal excavation going on in and around the village, in which the petitioners reside. Owing to the excavation beyond the permissible limits, water has started accumulating in the pits, and consequentially the villagers are affected. In view of the same, we are of the view that the District Collector, Dhule could be directed to deal with the complaints filed by these petitioners which are set out in prayer clauses B and E.

3. In view of the above, this petition is disposed off. Let respondent No.3 / District Collector deal with the complaints filed by the petitioners and after affording an appropriate opportunity of hearing and after a proper enquiry as regards the grievances voiced, the District Collector would arrive at a proper decision within the framework of Law, on or before 21.10.2022 and, if necessary, by affording an opportunity of hearing to all those concerned with the said complaints.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)