

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

304 WRIT PETITION NO.10992 OF 2022

DATTA BASWANTRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

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Advocate for Petitioner : Mr. Azizoddin R. Syed.

AGP for Respondent/State: Mr. P. K. Lakhotiya.

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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 14th November, 2022.

P.C.:

1. The petitioner has put forth prayer clause 'C' as under :-

"C. This Hon'ble Court may be pleased to issue appropriate writ, order or directions to the respondents to consider and decide the representation dated 11.04.2022 of the petitioner for refund of the amount of Rs.12,00,339/- deposited towards 3400 brass sand and amount of Rs.4,95,000/- deposited under protest towards penalty within stipulated period."

2. Considering the submissions of the learned advocate for the petitioner and the learned AGP on behalf of the respondents, it appears that insofar as imposing of the penalty of Rs.4,95,000/- is concerned, the petitioner can avail of a statutory remedy for

challenging the said decision and more-so in the light of his acquittal in a criminal case. To the extent of his representation dated 11th April, 2022, limited to the prayer for seeking refund of amount of Rs.12,00,339/- deposited towards excavation of 3400 brass of sand, which was not possible, the same can be considered by the District Collector.

3. In view of the above, this petition is disposed off.

4. The petitioner is at liberty to avail of the statutory remedy as is permissible in law with regard to the imposition of penalty for an amount of Rs.4,95,000/-. To the extent of his prayer for refund of amount deposited towards 3400 brass of sand, his representation dated 11th April, 2022 would be considered by the District Collector and would be decided on it's own merits expeditiously. A decision on such representation would be communicated to the petitioner, on or before 10th January, 2023.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]