

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

**10 WRIT PETITION NO.3476 OF 2022
SANKET STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**11 WRIT PETITION NO.3635 OF 2022
BHAIRAVNATH STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**14 WRIT PETITION NO.3878 OF 2022
BLACK STONE CRUSH SAND THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**40 WRIT PETITION NO.4342 OF 2022
LAXMI STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTR AND OTHERS**

**41 WRIT PETITION NO.4546 OF 2022
SAHYADRI STONE CRUSHER THROUGH ITS PROPRIETOR
VITTHALBHAUSAHEB DHAMNE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**42 WRIT PETITION NO.4548 OF 2022
MAYURESHWAR STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**43 WRIT PETITION NO.4560 OF 2022
SAI CRUSH SAND THROUGH ITS PROPRIETOR KISHOR KANIFNATH
WARULE
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

45 WRIT PETITION NO.4569 OF 2022
HARISH METAL WORKS THR ITS PROPRIETOR RAHUL JAYWANT MALWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

139 WRIT PETITION NO.3433 OF 2022
SHUBHAM STONE CRUSHER ALIAS SHIV BABA STONE CRUSHERS
THROUGH ITS PROPRIETOR ANILABASAHEB LOTKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

140 WRIT PETITION NO.3489 OF 2022
JAI BHAVANI STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

152 WRIT PETITION NO.4347 OF 2022
NATH SAHARA STONE CRUSHER THROUGH ITS PROPRIETOR GANESH
VITTHAL BHAGAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

153 WRIT PETITION NO.4348 OF 2022
VETAL STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

154 WRIT PETITION NO.4349 OF 2022
SAMRUDDHI STONE CRUSHER THR ITS PROPRIETOR NANDKUMAR
DNYANDEO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

155 WRIT PETITION NO.4350 OF 2022
MAYABA STONE CRUSHER THEROUGH ITS PROPRIETOR RAOSAHEBJABAJI
KARALE

**VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**156 WRIT PETITION NO.4351 OF 2022
BHAIRAVNATH ENTERPRISES THROUGH ITS PROPRIETOR ARUN ASARAM
WARULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**157 WRIT PETITION NO.4353 OF 2022
SHRI GANESH CRUSH METAL THROUGH ITS PROPRIETOR ARJUN
BHIMRAJ SATHE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

**158 WRIT PETITION NO.4354 OF 2022
MAYABA STONE CRUSHER THROUGH ITS PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**159 WRIT PETITION NO.4355 OF 2022
AROHI BUILDCON THROUGH ITS PROPRIETOR SACHIN
SAHEBRAODUSUNGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.P. Salgare h/f. Mr. N.V. Gaware, Advocate for the petitioners.
Mr.S.G. Karlekar, Mr.S.G. Sangle, Mr. S.B. Yawalkar, AGPs for the respondent/
State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 27.06.2022**

PC :-

01. In all these identical matters, the petitioners have put forth prayer clauses (B) and (C) (WP/3476/2022), which read as under :-

B] Hold and declare that, the entire action of respondent No.5 Tahasildar with regards to charging of royalty and penalty to the petitioner, on the basis of electricity consumption is illegal,arbitrary and violative of Article 14, 19, (1)(g) & 21 of the Constitution of India and for that purpose issue necessary orders.

C] Issue writ of mandamus or any other appropriate writ, orders, direction in the nature of writ of mandamus, directing the respondents No.3 Collector and respondent No.5 Tahasildar to undertake de-novo inquiry with regard to charging of royalty and/or fine by resorting to volumetric measurement instead of electricity consumption and to take further steps after giving opportunity of hearing to the petitioner in tune with the principles of natural justice and for that purpose issue necessary orders.

02. We have considered the submissions of the learned Advocate for the petitioners.

03. We are aware of the law laid down by the Division Bench of this Court at Nagpur [Coram : Hon'ble Shri Justice B.R. Gavai (as His Lordship then was) & Hon'ble Smt. Justice Indira K. Jain,JJ] in M/s. Shewalkar Developers Vs. Rupee Co-operative Bank Ltd., 2016 (1) Mh.L.J. 382.

04. The learned Advocate for the petitioners sought a pass over and submits, on instructions, from the petitioners that they desire to withdraw these petitions and pursue a legal remedy, as may be available in law.

05. In view of the above, these petitions are disposed off as withdrawn, on instructions.

06. We have not expressed any opinion about the desire of the petitioners' in seeking to avail of a remedy as is prescribed in law.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]