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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5136 OF 2022

Neminath Adappa Udgate] .. Petitioner

vs.

The State of Maharashtra & Ors.] .. Respondents

Mr.Manoj Patil, for Petitioner.

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

**CORAM : S.V. GANGAPURWALA &
M.G.SEWLIKAR, JJ**

DATE : 27TH APRIL, 2022.

P.C.

1] The Petitioner is challenging the impugned order dated 02.03.2022 refraining the Petitioner from excavating minor mineral.

2] The learned counsel for the Petitioner submits that the temporary permit for excavation and transportation of sand was issued to the Petitioner on 18.02.2022 for one month. Abruptly, under notification dated 02.03.2022 the Tahisldar directed the Circle Officers and Talathi not to allow the excavation activity to proceed further. The learned counsel for the Petitioner submits that the said order would apply to the applications for issuance of temporary permits made after the order of National Green Tribunal and not to the case of the Petitioner. The Petitioner is entitled for renewal of permit for the period the Petitioner was refrained from excavating the minor mineral. The Petitioner has deposited the amount with the Respondent.

3] The learned AGP for the State submits that in view of the order of the National Green Tribunal dated 17.02.2022. Now it is necessary to obtain environmental clearance before proceeding with excavating activity of the minor mineral.

4] The learned AGP further submits that on 24.03.2022 the Revenue and Forest Department has also issued a circular not to grant permissions/ permit for excavation without permission of environmental clearance.

5] In the light of orders of the National Green Tribunal and circular issued by the Revenue & Forest Department the grievance of the Petitioner cannot be entertained. The same would be against the dictum of the National Green Tribunal and circular in force.

6] If the Petitioner can not get environmental clearance, then he may take further steps with the Authorities and /or of the Petitioner is not allowed to excavate the land under temporary permit, then the Petitioner may approach the Authority for appropriate relief.

7] The application filed by the Petitioner, in that event, be considered by the Authority on its own merits.

8] Writ Petition is disposed of. No costs.

[M.G.SEWLIKAR, J]

[S.V.GANGAPURWALA,J]