

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.14543 OF 2018**

Shri Ramesh Rangrao Tate ... Petitioner

V/s.

The Collector, Kolhapur and Ors. ... Respondents

Mr. Suryajeet P. Chavan i/by One Legal Bay LLP for the petitioner.

Mr. A.I. Patel, Additional GP with Ms. Kavita Solunke – AGP for the State.

**CORAM : PRASANNA B. VARALE AND  
KISHORE C. SANT, JJ.**

**DATED : AUGUST 22, 2022.**

**P.C. :**

Heard learned counsel for the petitioner.

2. The petitioner is aggrieved by the order dated 22<sup>nd</sup> January 2018 passed by the District Excavation Officer, Kolhapur on the application of the petitioner, a copy of which is placed on record at Exhibit-N, page 74.

3. Perusal of the said order shows that a complaint was received against the petitioner in respect of excavation of sand. A reference is made in the said order that, as per the Provisions of Rule A-1 (C) of the Government Resolution dated 12<sup>th</sup> March 2013, the

application of the petitioner was considered by the District Level Committee in its meeting dated 5<sup>th</sup> April 2017 by taking into account the complaint received against the petitioner and it was observed by the said Committee that the petitioner has violated the terms and conditions for sand excavation. In view thereof, the decision was taken by the District Level Committee and the application submitted by the petitioner came to be rejected. Now this order is communicated to the petitioner, upon being approved by the Additional Collector, Kolhapur The Collector, Kolhapur who is respondent no.1 in this petition. The affidavit-in-reply is filed on behalf of Respondent nos. 1 to 3 through Tahsildar, Shirol. It may not be necessary to refer to the other statements made in the affidavit-in-reply in relation to the factual aspects. Suffice it to say that in paragraph 19 of the affidavit-in-reply, the following statements are made:-

“19. With reference to para no. 18 I say that it is true that the Petitioner filed application on 21/02/2018 for refund of deposit. On the said application the office of the Respondent taken report from Tahsildar Shirol and Circle Officer Kurundwad. I say that Respondent Nos. 1 and 2 have no powers to decide this application due to Redressal Committee has already rejected the Petitioners grievance on 22.01.2008 as per procedure prescribed in the G.R. dated 12.03.2013.

I say that, as per the provision of G.R. dated 12.03.2013, Petitioner has an alternate remedy to appeal against the said order dated 22.01.2018 of Collector, Kolhapur to Hon’ble Divisional Commissioner, Pune”.

4. In view of the above statements, and that, an alternate remedy being available to the petitioner, we deem it appropriate to

dispose of the petition by granting liberty to the petitioner to avail this alternate remedy.

5. Learned counsel for the petitioner submits that the petitioner would file necessary appeal before the Divisional Commissioner, Pune on or before 6<sup>th</sup> September 2022. The statement made before this Court is accepted as an undertaking to this Court. In case such an appeal is filed before the Appellate Authority, i.e. the Divisional Commissioner, Pune, within the stipulated period, the Divisional Commissioner, Pune shall decide the appeal as expeditiously as possible, considering the aspect that the petitioner was before this Court for a considerable length of period challenging the order of the District Mining Officer, approved by the Collector, Kolhapur dated 22<sup>nd</sup> January 2018.

6. With these observations / directions, petition is disposed of.

(KISHORE C. SANT, J)

(PRASANNA B. VARALE , J)