

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO.442 OF 2022
IN
MISC. CIVIL APPLICATION STAMP NO.8614 OF 2022
IN
WRIT PETITION NO.4534 OF 2021 (D)

Taheseembaig s/o Salimbaig Mirza

Vs.

State of Maharashtra, through its Secretary, Revenue and Forest Department,
Mantralaya, Mumbai -32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. R. Ingole, Advocate for applicant.

Mr. A. R. Chutke, AGP for non-applicants/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 18/07/2022

1. Heard Mr. Ingole, learned counsel for the applicant. The contention is that, on incorrect statement made by the learned counsel to the effect that the sand was being transported without any royalty pass the issue was claimed to have been covered by the judgment dated 3.12.2021 [*Writ Petition No.4472/2021 Shoeb Ahemad Ajaz Ahemad Vs. State of Maharashtra and others*] (page 16), based upon which statement, the writ petition came to be dismissed by the order dated 4.12.2021 (page 23).

2. Mr. Ingole, learned counsel for the applicant submits that the statement made by him on the basis of

which, the writ petition came to dismissed on 4.12.2021 was factually incorrect as the applicant in this present case was having royalty pass.

3. Mr. Chutke, learned AGP for the non-applicant/State does not dispute the position upon instructions and has tendered across the bar the communication sent by the Tahsildar Bhandara dated 8.7.2022 with which the royalty pass has been enclosed with, which is taken on record and marked as 'X' for identification.

4. In light of the above admitted position, since on a factually incorrect statement, the present Writ Petition No.4534 of 2021 came to be dismissed by the order dated 4.12.2021 and the statement is admitted to be incorrect the order dated 4.12.2021, insofar as it relates to Writ Petition No.4534 of 2021 needs to be reviewed.

5. The application therefore, is allowed and the order dated 4.12.2021 passed in respect of Writ Petition No.4534 of 2021 is hereby set aside.

6. The matter be listed before the appropriate Bench for further consideration.

JUDGE