

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

Writ Petition No.674 of 2022

Shri Ashish S/o Manikrao Yenchilwar,
Aged 30 years,
Occ. Business,
R/o Deulgaon, Taluka Armori,
District Gadchiroli.

... Petitioner

Versus

1. State of Maharashtra,
In the Ministry of Revenue & Forest,
Mantralaya, Mumbai-32,
Through its Secretary.
2. The District Collector,
Gadchiroli.

... Respondents

Ms Ramaa A. Kukday, Advocate for Petitioner.
Smt. K.R. Deshpande, Assistant Government Pleader for Respondents.

CORAM : A.S. CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATE : AUGUST 25, 2022

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

1. Considering the limited prayer, **Rule**. Rule is made returnable forthwith. Learned Assistant Government Pleader Smt. K.R. Deshpande waives service of notice for the respondents.
2. In the auction of sand ghats for Gadchiroli District held on 19-3-2019, the bid of the petitioner was found to be highest for one of the sand ghats. The petitioner deposited the requisite amount, after which an agreement was duly executed. The Collector issued a

dealer's licence in favour of the petitioner on 3-10-2019. While seeking renewal of the said licence, the Naib-Tahsildar visited the site for ascertaining the stock of the sand. He however drew the panchanama and seized the sand to the extent of 4131 brass. This action was challenged in Writ Petition No.1426 of 2020. That writ petition was however withdrawn with liberty to the petitioner to initiate separate proceedings in the matter of the sand remaining after the petitioner was permitted to transport 1263 brass of sand. Thereafter the petitioner on 27-8-2021 has made a representation to the Collector seeking refund of the amount admissible with regard to 2883 brass of sand. It is the grievance of the petitioner that this representation has not been considered.

3. In these facts, since the period of almost one year has elapsed from the petitioner's representation, it is directed that the respondent No.2- Collector shall decide the said representation within a period of four weeks from the receipt of the copy of the judgment. If the Collector finds it necessary, he is free to grant an opportunity of hearing to the petitioner. The decision taken on the representation shall be communicated to the petitioner.

4. Rule is disposed of in above terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)