

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

WRIT PETITION NO. 5868/2019

Jitendra Ganesh Maske,
Aged 35 years, Occ: Business,
R/o Ward No.5, Santaji Nagar, Kandri,
Tahsil Parseoni, District Nagpur.

PETITIONER

.....VERSUS.....

1. State of Maharashtra,
Ministry of Revenue & Forest, Mantralaya,
Mumbai-32. Through its Secretary.
2. The District Level Committee, Bhandara
(Constituted under clause 16 of Sand Policy
Dated 12.03.2013), Through its Chairman/
District Collector, Bhandara.
3. The District Collector, Bhandara
4. Tehsildar, Bhandara.

RESPONDENTS

Shri V.S. Kukday, counsel for the petitioner.
Shri D.P. Thakare, Additional Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : NOVEMBER 16, 2022.

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

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner had participated in the auction process that was conducted for allotment of sand ghats in Bhandara district for the period up to 30.09.2017. The bid submitted by the petitioner was found to be highest and hence after accepting the same an agreement was entered into between the petitioner and the Authorities on 21.10.2016.

It appears that the petitioner could not lift the sand that was allotted under the auction and hence he made representations to the District Mining Officer pointing out that on account of objection raised by the villagers it was not possible to lift the sand in question. The petitioner in these circumstances sought refund of the amount that was deposited pursuant to the bid. The petitioner made representations in that regard and as no decision was taken, this writ petition came to be filed.

3. During pendency of the writ petition, the petitioner's representation dated 02.02.2019 made to the District Level Committee, Bhandara came to be considered and decided on 03.11.2022.

The learned Additional Government Pleader has tendered the minutes of the aforesaid meeting which are taken on record and marked 'A' for identification. As per the said minutes the Committee has found the claim of the petitioner to be acceptable and has directed refund of the basic amount that was deposited by the petitioner in the auction.

4. In view of aforesaid, the respondent no.1 is directed to refund the amount deposited by the petitioner pursuant to the bid in terms of the minutes of the meeting of the District Level Committee, Bhandara held on 03.11.2022 within a period of six weeks from the date of communication of this order.

5. The writ petition is disposed of with aforesaid direction. Rule accordingly. No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

APTE