

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

38 WRIT PETITION NO.6500 OF 2023

SOMNATH RAMNATH SAGADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.B.S.Deshmukh, Advocate for the Petitioner.
Mr.V.M.Kagne, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JUNE 19, 2023

PER COURT :

1. The Petitioner had submitted a tender in response to the auction for various sand storage spots comprising of such sand, which has been illegally excavated and hoarded. He was the highest bidder. Entire amount was deposited on 25.10.2019. Though being a successful bidder for 500 brass of sand to be lifted, the Petitioner is aggrieved that an unknown person has lifted the sand. He has, therefore, prayed for refund. On his request, the Additional District Collector, Jalna addressed the Additional Secretary, Revenue and Forest, vide his communication dated 03.09.2020 to consider the request. The

Additional Secretary is yet to act on the said communication.

2. In view of the above, **this petition is disposed off** with a direction to Respondent No.1 to consider the communication dated 03.09.2020 and by following the due procedure laid down in Law, shall take a decision on the same. Needless to state, all stake holders would be granted an opportunity of hearing. Let this exercise be completed within 60 days. If the Petitioner is found eligible for refund, the said amount shall be refunded alongwith interest, within a period of 30 days. The decision taken on his representation would be communicated to the Petitioner, expeditiously.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)