

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1092 OF 2023

Ramesh Ramchandra Wadkar

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

.....

- Mr. Manish V. Khadakban a/w. Mr. Shirish D. Palange for Petitioner
- Mr. P. G. Sawant, AGP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 30, 2023

P.C.:

1. Heard Mr. Khadakban, learned Advocate for Petitioner and Mr. Sawant, learned AGP for State.

2. The present Petition takes exception to the order dated 20.10.2022 passed by the learned Tahsildar under the provisions of the Maharashtra Under Ground Water (Development and Management) Act, 2009.

3. Briefly stated the Petitioner has excavated a boring well in the year 2022 which is cause of concern for the villagers of Wada-Bharade who have filed the complaint against the same with the learned District Collector. Perusal of the impugned order reveals that the village of Wada-Bharade has been declared as Eco Sensitive Zone and Petitioner has not obtained requisite permission from the Gram

Panchayat of village Wada-Bharade. That apart, there are other reasons also given. However Mr. Khadakban contends that the learned District Collector vide order dated 03.12.2019 has permitted the Petitioner to develop his property situated at village Wada-Bharade as an Industrial Fruit Processing Unit and given non-agricultural permission on 34 terms and conditions mentioned in the said order.

4. Mr. Khadakban submitted that the Petitioner has established a cashew processing unit on his property for which he has excavated the boring well for retrieving water. Perusal of the development permission given to the Petitioner which is at Exh.C at Page No.29 of the Writ Petition lists 34 terms and conditions.

5. Mr. Sawant would submit that Revision Application dated 18.11.2022 has been filed against the impugned order dated 20.10.2022 by the Petitioner which is pending before the Additional Collector, Ratnagiri. The said Revision Application is at Page No.113 of the Writ Petition.

6. Considering the issue involved in the present Writ Petition, the interest of justice would be served if the Additional Collector, Ratnagiri is directed to decide the Revision Application filed under Section 23(2) of the Mamlatdar Court Act, 1906 and determine the same within a time bound programme. Hence, the following order:-

- i. Civil Revision Application No.4 of 2022 dated

18.11.2022 filed by the Petitioner before the Additional Collector, Ratnagiri is directed to be disposed of within a period of four weeks from today strictly in accordance with law;

ii. Learned Additional Collector is directed to pass a speaking order;

iii. All contentions of the parties are expressly kept open.

7. In the meanwhile no coercive steps shall be taken against the Petitioner until the disposal of the Revision Application as directed above.

8. Petitioner is permitted to file additional submissions in respect of the Petitioner's case before the Revisional Authority.

9. Revisional Authority shall not be influenced by any observations made in this order.

10. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE
Digitally signed
by SONALI
SATISH
KILAJE
Date:
2023.01.31
10:55:39
+0530