

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

WRIT PETITION NO.5078 OF 2021

(M/s. Maa-Lakshmi Building Material Supplier through its Prop. Shri Gajrajsingh Devidayalsingh Chauhan Vs. The State of Maharashtra thr. its Principal Secretary, Revenue and Forest Department, Mumbai 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. Firdos Mirza, Advocate with Mr. Syed O. Ahmed, Advocate for Petitioner.
Mr. M. K. Pathan, AGP for Respondents 1 to 3/State.

CORAM: ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.

DATE: 13th JANUARY, 2023.

The issue, which survives for consideration, is whether the deduction of 25% from the amount deposited by the petitioner pursuant to the sand ghat auction, is legally and properly deducted.

2. We note that the final order is passed by the Collector on the basis of the decision taken by the State Government.

3. It is common ground that the petitioner was not noticed, much less heard by the State Government before the decision was taken.

4. In this view of the matter, we quash the impugned decision and remand the matter to the State Government to hear the petitioner and take an informed

decision by recording reasons, within three weeks from the date of appearance of the petitioner.

5. The petitioner shall appear before the respondent
1 on 19.01.2023.

6. The petition is disposed of.

(Y. G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)

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