



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

Writ Petition (WP) No. 5913 of 2022

M/s Chintamani Building Suppliers through its proprietor Akshay S/o
Arvind Shelke

Versus

State of Maharashtra, through its Principal Secretary, Mumbai-32 and
others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Fidoz Mirza, Advocate for the petitioner.

Mrs. Hemlata Dhande, AGP for the respondent nos. 1
to 7/State.

CORAM : ANIL S. KILOR, J.

DATED : 6th DECEMBER, 2023.

Heard.

2. The order dated 17th June, 2022, passed by the Additional Commissioner, Amravati Division, Amravati rejecting the application preferred by the petitioner, is under challenge in this writ petition.

3. The petitioner was the successful bidder and he was awarded with a tender as regards excavation of sand from Mouza Kamadvelli, Tal. Zhari Zhamani sandghat.

4. After excavation of lease agreement and panchanama, the respondent no.7 Circle Officer handed over the said block to the petitioner on 26th March, 2019 and it was for the period of four and half months.

5. However, on 8th May, 2019, the respondent no.3 issued a letter to the respondent no.6 Tehsildar directing to stop the petitioner from excavating the said. The said instructions were issued in pursuance to the order passed by this Court in Writ Petition 3398 of 2019 and PIL No. 110 of 2018.

6. Thereafter, the time of one month was extended and the petitioner was asked to take possession on 9th September, 2019. The inspection report of respondent no.7 states that the site of excavation was flooded with water and the petitioner was unable to commence with excavation. Therefore, the petitioner on 20th September, 2019 made a request for extension of period of excavation by 30 days or to compensate him for the amount of Rs.26,50,956 for the quantity of 986 Brass. The said request was made to the respondent no.4 who rejected the same vide order dated 10th September, 2019.

7. Thereafter, the petitioner carried the revision against the said order before the Additional

Commissioner who rejected the revision application vide impugned order dated 17th June, 2022.

8. After going through the order passed by the learned Additional Commissioner, it is evident that though he has recorded the submissions made by the petitioner, no reasons are recorded for rejecting such submissions while dismissing the revision.

9. The Additional Commissioner in the order gave a list of five documents and without discussing the contents of those documents or referring to any portion of the said documents, arrived at a conclusion to reject the revision application. It is observed that on perusal of the documents, he arrived at a conclusion that the order passed by the Collector does not require any interference.

10. Thus, from the impugned order, it is difficult to say that the learned Additional Commissioner has applied its mind to the material available on record, while rejecting the revision application.

11. Hence, in absence of any reasons recorded by the learned Additional Commissioner, the impugned order suffers from principles of natural justice.

12. In that view of the matter, the only option left to this Court is to remand the matter back to the

learned Additional Commissioner, Amravati to decide the same afresh after hearing the petitioner. Accordingly, I pass the following order.

- i. The writ petition is partly allowed.
- ii. The order dated 17th June, 2022 passed by the learned Additional Commissioner, Amravati Division, Amravati in Revision Application 22/MNL-37/ Kamadveli/2022 is hereby quashed and set aside.
- iii. The matter is remanded back to the learned Additional Commissioner, Amravati Division, Amravati to decide the Revision Application 22/MNL-37/Kamadveli/2022 afresh after hearing the petitioner.
- iv. The learned Additional Commissioner, Amravati Division, Amravati is directed to decide the revision application within four months from the date of appearance of the petitioner.
- v. The petitioner shall appear before the learned Additional Commissioner, Amravati Division, Amravati on **28th December, 2023** at 11 a.m.

[ANIL S. KILOR, J.]