



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 1009 OF 2024
IN WP/5885/2023

VISHAL KISHOR SARGAR

VERSUS

THE GRAMPANCHAYAT MALTHAN THR ITS AUTHORIZED PERSON
AND ORS

...

Mr. Rahul R. Karpe, Advocate for Applicant

Mr. S. K. Tambe, AGP for the Respondents State

Mr. A. S. More, Advocate for the Petitioner in Writ Petition.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 2nd February, 2024

ORDER:

1. We have perused Clause (III) of Government Resolution dated 19th April, 2023, which reads as under:

"II) ग्रामसभेची शिफारस -

नदी पात्रातील वाळू गट निश्चित केल्यानंतर सदर वाळूगटातून वाळूचे उत्खनन व वाहतूकीच्या निविदेसाठी ग्रामसभेची शिफारस घेणे अनिवार्य राहिल. ग्रामपंचायतीकडे संदर्भ प्राप्त झाल्यानंतर ग्रामसभा बोलावून त्यावर १ महिन्याच्या आत निर्णय घेणे ग्रामपंचायतीवर बंधनकारक राहिल. ग्रामसभेने नकारात्मक ठराव दिल्यास उपविभागीय अधिकारी (महसूल) यांच्या अध्यक्षतेखाली पुढील १० दिवसात ग्रामसभा आयोजित करण्यात यावी व त्यांच्या शिफारशी आधारे गुणवत्तेनुसार वाळूगटातून वाळू उत्खनन करून ती वाळू डेपोपर्यंत पोहोचविण्याकरीता निविदा काढण्याबाबतचा अहवाल जिल्हास्तरीय वाळू सनियंत्रण समितीला तातडीने 12431 सादर करण्यात येईल."

2. It is undisputed that this Malthan Grampanchayat in Taluka Karjat situated near the river Sina, is one of the four Grampanchayats in which the sand ghat has been located for the purpose of Government excavation and storage of sand. It is also undisputed that Malthan Grampanchayat has passed a resolution opposing excavation.

3. The learned Advocate for the Petitioner contends that though the sand ghat is meant for government excavation, covering an area of four Grampanchayats, the actual sand ghat/spot is not near Malthan Grampanchayat and none of the other Grampanchayats have opposed the excavation.

4. The above reproduced provision in the GR dated 19.04.2023, in such a situation, requires the S.D.O. (Revenue) of that area to Chair the meeting of the Gramsabha and seek a resolution to the issue.

5. The litigating parties before us agree that this procedure will have to be followed and further steps there beyond will have to be undertaken.

6. In view of the above, **this Writ Petition is disposed off** with the direction to the S.D.O. Revenue, Karjat Division to issue a notice to the Malthan Grampanchayat and fix a date for holding the special Gramsabha on a particular date which would be mentioned in the

notice, within 15 days from today. By following the due procedure, a resolution to the issue would be explored and further steps would be undertaken thereafter.

7. Our interim order passed in vacation on 2nd June, 2023 would continue till the meeting is convened and conducted by the S.D.O, Karjat/Respondent No.4 herein and after the meeting is over, this interim order would lose its efficacy.

8. In view of the above, **the Civil Application also stands disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan