



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11918 OF 2024

SUMIT ANIL PAWAR AND ORS

..PETITIONERS

VS

LD DISTRICT COLLECTOR OF SATARA & ANR

..RESPONDENTS

Adv. Manoj A. Patil a/w. Adv. Shubham Dhenge for petitioners.
Ms. Leena Patil, AGP for respondent – State.

CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 30th August 2024.

P.C. :

1. Rule. Rule is made returnable forthwith and heard learned counsel for the parties.

2. In the present Writ Petition, the petitioners had initially prayed that cognizance of their application dated 13th June 2024 that was submitted by them under Rule 4-A of the Maharashtra Land Revenue (Extraction and Removal of Minor Minerals) Rules, 1968 (for short 'Rules of 1968') be taken by the Tahsildar.

3. During the pendency of the present proceedings, the Tahsildar on 14th August 2024 has informed the petitioners that after considering their application dated 13th June 2024 with regard to Plot No.7 in Gat No.308/1, it was found that Writ Petition No. 3427 of

2022 and Writ Petition No.986 of 2024 were pending. Hence, the Tahsildar did not deem it appropriate to consider the application on merits. The communication dated 14th August 2024 is taken on record and marked "A" for identification.

4. In view of the order of the Tahsildar dated 14th August 2024, we had called for the records of the aforesaid two Writ Petitions. We find that in Writ Petition No.3427 of 2022, an interim order dated 14th November 2022 has been passed directing that no allotment in respect of Plot Nos.1 and 14 of Gat No.308/1 be made. In Writ Petition No.986 of 2024, there is no restraint order in so far as Plot No.7 is concerned.

5. In view of aforesaid, we find that there is no prohibition for allotment of Plot No.7 from Gat No.308/1. It would therefore be necessary for the Tahsildar to consider the application dated 13th June 2024 moved by the petitioners on its own merits and in accordance with law. Accordingly, following order is passed:-

(I) The Tahsildar, Satara to reconsider the petitioners' applications dated 13th June 2024 and 5th August 2024 in accordance with the provisions of the Rules of 1968. The said be done within a period of four weeks of receiving copy of this order.

(II) The decision taken be communicated to the parties.

(III) All questions on merits are kept open.

6. The Writ Petition is disposed of in the aforesaid terms. Rule accordingly. No costs.

7. Parties to act on an authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]