



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

WRIT PETITION NO. 5953 OF 2024

(Shailendra s/o Rajkumar Nagvanshi ..vs.. The State of Maharashtra, through its Secretary, 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. K.A. Kothari, Counsel for the petitioner,
Mr. D.V. Chauhan, G.P. with Mr. S.S. Hulke, A.G.P. for respondent Nos.1 to 3.

**CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.**

DATED : 07-10-2024

In the wake of the decision of this Court in Writ Petition No.2078/2021 along with other petitions decided on 07-4-2022, where a challenge was raised by the inter-State Transporters requiring payment of 10% of the royalty amount to the District Mineral Foundation on entering the State borders which infact amounted to imposition of restriction on inter-State trade, the Division Bench of this Court has set aside it. A copy of the said judgment is placed on record and we have perused the same.

2. At present the petitioner, who is engaged in the business of supply of sand, is aggrieved by the communication dated 04-9-2024 issued by the Additional Collector, Gondia, refusing him extension of the 'zero royalty permit' which was granted for transport of 2000 brass from 31-7-2024 to 18-8-2024. However, since he was unable to accomplish the said task within the time stipulated and 420 brass of sand

could not be transported, a request was made for extension of the period of the 'zero royalty' but on the administrative reasons same was rejected.

3. We have heard the learned Government Pleader Mr. D.V. Chauhan, Senior Counsel and since he is conscious of the legal position as set out in the judgment to which we have referred above, he does not raise a contest to the grounds raised in the petition, as he find the communication to be unreasonable.

He has given a suggestion to the petitioner to make an application to the Additional Collector, Gondia within a period of forty-eight hours, upon which the Additional Collector, Gondia shall pass appropriate decision thereon in accordance with law, within a period of one week from the date of receipt of the application.

4. The communication dated 04-9-2024 issued by the Additional Collector, Gondia is set aside by making the petition absolute in terms of prayer clause (a).

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)