



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

WRIT PETITION NO. 4748 OF 2024

(Vilas Pralhadrao Gawande

Vs.

The State of Maharashtra, Thr. Its Secretary, Revenue and Forest
Department Mantralaya, Mumbai & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Abhay Sambre, Advocate for the Petitioner.
Ms. Tajwar Khan, AGP for the Respondents/State.

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 22nd AUGUST, 2024

Heard.

2. The Petitioner had a lease in his favour for excavation of minor minerals dated 26.08.2014 (page 23) which was initially for a period of 10 years which contained a renewal clause. The existence of renewal clause, is not disputed by the learned AGP for the Respondents/State. However, reliance has been placed upon the amendment to Rule 9 of the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 by the Gazette notification dated 12.01.2018, which requires the lease of quarry to be granted by way of auction.

3. The learned Division Bench of this Court after considering the notification dated 12.01.2018 in *Ajitkumar*

Amolakchand Jain Vs. The Collector with connected matter by its judgment dated 15.09.2022, has held that the same would not come in the way for renewal of the lease, which had a renewal clause. Nothing has been pointed out to us to take a contrary view, in view of which, the impugned communication dated 09.07.2024, is hereby quashed and set aside.

4. The Petition is **allowed** in view of what has been held in *Ajitkumar Amolakchand Jain* (supra).

5. The Respondents are directed to execute a lease in terms of the renewal clause in favour of the Petitioner.

6. Pending application/s, if any, shall stand disposed of accordingly.

(SMT. M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)