



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

WRIT PETITION NO. 7379 OF 2024

(**Altaf Ahmad Vs. State of Maharashtra & Ors.)**

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. A.S. Manohar, Advocate for the Petitioner.
Mrs. S.S. Jachak, Addl.GP for the Respondent Nos. 1 & 2/State.
Mrs. R.N. Bhondwe, Advocate for the Respondent No.3.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 20th DECEMBER, 2024

Heard.

2. The Petition questions the permission dated 12.12.2024 granted by the Respondent No.2 for removal of sand from the agricultural fields on account of inundation, which is claimed to be in the terms of the Policy dated 15.03.2024 (page 34), which permits an agriculturalist whose land is inundated, to remove the sand so as to make it again cultivable.

3. Mr. Manohar, learned Counsel for the Petitioner, invites our attention to the impugned order dated 12.12.2024 (page 84), which is on an application claimed to be filed by one Mohammad Munnawar Rizwi on behalf of one Iftekar Ahmad Mohammad Nawab and 12 other persons dated 17.10.2023 (page 36). The application does not indicate, that the purpose of excavation of the sand accumulated due to

inundation is with the intention to make the agricultural land cultivable, which is the purpose and import of the Government Resolution dated 15.03.2024.

4. The impugned order dated 12.12.2024, also does not indicate, that this is the condition imposed, for the purpose of grant of such permission, in view of which, we *prima-facie* find that the impugned order dated 12.12.2024, is contrary to the object and purpose of the Government Resolution dated 15.03.2024.

5. Issue notice for final disposal to the Respondents, returnable on **06.01.2025**.

6. Mrs. Jachak, learned Addl.GP waives notice for the Respondent Nos.1 and 2/State.

7. Mrs. Bhondwe, learned Counsel waives notice for the Respondent No.3.

8. Till the returnable date, there shall be *ad interim* stay to the effect and operation of the impugned order dated 12.12.2024 and no excavation of any nature shall be permissible to be done from the aforesaid land.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)