



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

CIVIL APPLICATION NO. 2610 OF 2024
IN
WRIT PETITION NO. 4032 OF 2021

AKOLA ZILHA KHAN VA CRUSHER UDYOJAK SANGH, AKOLA THR. MEMBER, HEMANT ASHOKKUMAR TAPDIYA
...Vs...
STATE OF MAHARASHTRA THR. CHIEF SECRETARY, MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Shri V.S. Kukday, Advocate for petitioner.
Shri H.R.Dhumale, AGP for respondents/State.
Shri S.V.Purohit, Advocate for respondent no. 4.

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

DATED : 17th OCTOBER, 2024.

The present application is filed for grant of permission to amend the petition and the prayer Clauses. By way of this amendment, the petitioner seeks permission to amend the petition and challenge the Rule 78-A, which was inserted by Notification dated 2/3/2022 in Maharashtra Minor Mineral Extraction (Development & Regulation) Rules, 2013. So also, the petitioner seeks permission to add the prayer Clause to the effect that, for quashing and setting aside the Notifications dated 2/3/2022 and 19/4/2022 and also for striking down the amended Rule 78-A.

2. For the reasons stated in the application, the application is allowed. However, the question of

interest on refund of amount from the date of filing of the petition or from the date of amendment is kept open.

3. As a challenge to the constitutional validity of Rule 78-A of the M.M.M.E.(D & R) Rules, 2013, has now been raised, it is necessary to issue notice to the learned Advocate General.

4. The amendment to be carried out within a period of one week.

5. Issue notice to the learned Advocate General.

6. Shri H.R.Dhumale, learned AGP waives notice for the learned Advocate General.

7. The respondents are at liberty to file their reply. All the pleadings to be completed by 13/11/2024.

(SMT. M.S.JAWALKAR, J.) (AVINASH G. GHAROTE, J.)