



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 WRIT PETITION NO. 2957 OF 2025

RAHUL BABAN MUNTODE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Khutwad Manoj Ramdas

AGP for Respondents: Mr. M.K. Goyanka

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 04.03.2025

PER COURT :

The petitioner appears to be espousing a public cause and is coming with following prayers:

“B) May kindly be declare and hold that inaction on the part of state authority is illegal and violet the fundamental rights of the villagers and petitioners and state is liable to pay compensation to the villagers and petitioners.

C) May kindly be declare and hold that action on the part of respondent no. 4 is illegal and liable to be restrained from excavating sand and liable to be pay compensation to the villagers and petitioners due to the illegal excavating sand.

D) May kindly be declare and hold that if tenure of contract is completed and contractor continue to excavate the sand and respondent authority allow to excavate the sand both are liable to face criminal proceeding it amounts to cheating with state, villagers and petitioners also.”

2. The learned advocate for the petitioner submits that in spite of persistent opposition of the villagers, under a contract awarded by the revenue department, respondent no. 4 has undertaken desilting work causing loss to the villagers. He has excavated huge quantity of mines and minerals and the villagers are entitled to

claim compensation. He would also advert our attention to the various paper cuttings and photographs, as also the representations addressed to the public authorities. He would submit that the period of work allotted to respondent no. 4 is already over.

3. As far as the alleged damage is concerned, the extent of damage and entitlement of individuals, this Court, in exercise of the powers under Article 226 of the Constitution of India, cannot undertake the enquiry, since that would involve several disputed questions of fact requiring the facts to be proved on the basis of evidence.

4. As far as the allegations regarding illegal excavation are concerned, admittedly, the work is already over. In our considered view, it would be appropriate to leave the petitioner to resort to the remedy, as is available to him in law in prosecuting the remedies for having the reliefs being claimed herein.

5. The writ petition is disposed of with liberty to the petitioner to resort to the appropriate remedy as is available to him in law.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-