

2. On 16th March, 1982, 4 Hectares of land from Gat No.28 was allotted to PWD for stone quarry use. On 4th July, 2023, 20 Hectares of land (previously allocated to CRPF) reverted to Government due to non utilization for the purpose for which it was granted. On 18th July, 2023, 4 Hectares of Gat No.28 reverted from PWD due to non utilization of allotted purpose and stated to be required for Government purposes, including dry port.

3. The petitioners on 12th August, 2024 submitted an application seeking allotment of 1 Hectare each from Gat No.28 for stone quarry activity under Rule 88 of Maharashtra Land Revenue (Extraction & Removal of Minor Minerals) Rules, 1968 (for short "aforesaid Rules").

4. On 4th February, 2025, the petitioners submitted a detailed representation to respondent Nos.1 to 3 requesting reconsideration and allocation of land under Rule 88 of the aforesaid Rules. The order dated 11th September, 2024 passed by the Additional District Collector rejecting the petitioners' application citing reservation for dry port is challenged by the petitioners on various grounds and, more particularly, that the said decision is in the teeth of the aforesaid Rules.

5. Learned Counsel for the petitioners was at pains to point out that the Government has historically recognized and protected the traditional rights of Vadar Community in stone quarrying; and, hence denial is arbitrary since it defeats the object of such policies. It is submitted that land in question is hilly and only suitable for excavation. In order to support this contention, it is submitted that Government itself had previously allotted the same land to PWD for stone quarrying in 1982. Learned Counsel submits that the petitioners have made personal visits and efforts to resolve the issue but no fruitful outcome has ensued. Learned Counsel is at pains to point out that the petitioners and their members are facing acute livelihood crisis, unemployment and starvation due to non-availability of suitable land for stone breaking. It is further submitted that Gat No.28 is not suitable for dry port or logistic park due to its hilly terrain and that there are several other locations in Kolhapur District that are more appropriate for such Government projects.

6. We have heard learned A.G.P. Much of the contentions canvassed by the learned Counsel for the petitioners fall in the realm of the policy decisions of the State. However, we find the request of the petitioners deserves to be sympathetically considered. The respondents to look into the grievance raised by the petitioners and take an appropriate decision considering the traditional nature of the

activities of the Vadar Community and also having regard to the fact that the petitioners represent the economically and socially disadvantaged section of Society and denial of land further deepens economic marginalization and distress.

7. In such view of the matter, we request respondent No.2 – Additional Principal Secretary, Department of Revenue Affairs, Khanij Department to look into the representation dated 4th February, 2025 addressed by the petitioners sympathetically and take an appropriate decision on the said representation, in accordance with law, as expeditiously as possible and preferably within a period of twelve weeks from the date of communication of this order. If necessary, respondent No.2 may grant an opportunity of hearing to the petitioners to enable them to place their difficulties and assist respondent No.2 in resolving the issue. It is also open for the petitioners to make a request to respondent No.2 for allotment of alternate land suitable for their traditional occupation i.e stone quarrying, which request be considered by respondent No.2 after considering all the facts and circumstances.

8. The petition is disposed of in the aforesaid terms.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]