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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6470 OF 2025

Aaqib Sultan Mukadam

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr Mutahar Khan, a/w Adv Sayed J. and Adv Mukadam
Farheen, for the Petitioner.

Mr E V Samant, Addl. GP a/w Ms Kavita N. Solunke, AGP, for
the Respondent-State.

**CORAM: KAMAL KHATA AND
ARIF S. DOCTOR, JJ.
(VACATION COURT)**

DATED: 15th May 2025

PC:-

1. The Petitioner was granted permission by letters dated 21st November 2023 and 15th October 2024 for the removal of silt from Mahadev Nala at Village - Mahapral, Taluka - Mandangad by the District Water Conservation Officer. By a letter dated 29th April 2025, the said permission was revoked on the basis of complaints received from Mr Shubham Himgire of Pune through his advocate, Mr Girish Menon and from journalist Mr Mahendra Wankhede alleging unauthorised removal of sand via suction pumps without departmental approvals. The Petitioner has paid an amount of Rs. 60,000/- towards royalty. The Petitioner has purchased

machinery and invested considerable funds, including engaging manpower at his own cost and expense. Upon payment of the royalty, he was entitled to remove the silt and deal with it. The Petitioner has been issued a permit book which is valid upto the end when the work is done. Significantly, all the material/silt, i.e. removed from the river bed, is transported only after preparing a proper panchnama in the presence of officers of the Respondent. Hence, there is no question of any sand or other material being removed by the Petitioner in any illegal manner.

2. It is submitted that the impugned letter was issued without any show cause notice or hearing given to the Petitioner. The learned advocate for the Respondent submits that the letter was issued, admittedly at the instance of the complainants. Admittedly, no show cause notice or hearing was given.

3. In our view, such a letter of revocation is illegal and deserves to be set aside.

4. In view of the above, we pass the following order:

(a) The letter dated 29th April 2025 revoking the permission of the Petitioner to remove silt from the aforestated site, namely Mahadev Nala at Village - Mahapral, Taluka - Mandangad, is set aside.

(b) The District Water Conservation Officer is to issue a fresh show cause notice to the Petitioner and grant him a personal hearing before taking a decision in that regard.

(c) The Respondent No.4 is directed to issue the royalty book for carrying out the permitted work.

5. All contentions of the parties are kept open at the hearing if a fresh show cause notice is issued by the District Water Conservation Officer.

6. The Petition is disposed of in the aforesaid terms.

(ARIF S. DOCTOR, J)

(KAMAL KHATA, J)