



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

WRIT PETITION NO. 2285 OF 2025

(Shrihari Gajanan Ginning Industry, Thr. its Partner
Vs.

State of Maharashtra & Ors.)

WITH

WRIT PETITION NO. 2242 OF 2025

(Satish S/o Govinda Gotephode **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.A. Naik, Senior Advocate a/b Mr. A.A. Choube & Ms. Ramaa Bhondwe,
Advocates for the Petitioners.

Mr. A.S. Fulzele & Ms. S.S. Jachak, Addl.GPs for the Respondents/State.

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

DATED : 25th APRIL, 2025

1. Heard Mr. Naik, learned Senior Counsel for the Petitioners.

2. The Petitions take exception to the auction notice dated 16.04.2025 (page 82 Writ Petition No.2242/2025) which has been issued in terms of the sand policy dated 08.04.2025. The same is being questioned on two grounds; (i) that the duration for the auction is for a period for two years (page 82), however the note at page 89 indicates, that the auction period is till 30.09.2025 and is only for one year 2025-2026. Clause 5 of the same, further says that the period during which the sand can be excavated would be up to 10.06.2025, from the date on which the possession has been delivered. It is therefore contended, that the auction notice

itself is contradictory as to the period contemplated and expects an impossibility of excavating substantial quantity of sand within a very short period, thereby making it impossible for the sand to be excavated in any substantial quantity much less the quantity given in the auction notice.

3. The second ground is regarding the Environmental Clearance inasmuch as the excavation of sand requires Environmental Clearance. The Environmental Clearance, is dated 10.10.2024 (page 96), in which the additional condition at serial No. 3 (page 99) states, that the validity of Environmental Clearance is subject to validity of approved mining plan. The approved mining plan dated 01.11.2023 (page 106) in clause 22 (page 112) indicates, that the approval is given to the mining plan from 01.11.2023 onwards and is valid upto 30.09.2024 or till excavation of sand permitted in the approved mining plan whichever is earlier, which would indicate that even before the auction notice dated 16.04.2025, the Environmental Clearance was not in existence at all.

4. Issue notice for final disposal to the Respondents, returnable on **29.04.2025**, as the auction is said to be held on 30.04.2025.

5. Mr. Fulzele and Ms. Jachak, learned Addl.GPs waive notice for the Respondents/State.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)