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

WRIT PETITION NO. 8579 OF 2018

Vijay s/o Subhasrao Ghavghave and Others
Versus
The State of Maharashtra, Through the Secretary, Revenue and Forests Department and Others

None for Petitioners
Mr. A.M. Deshpande, Addl. G.P. for Respondents No.1 & 2

CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATE : 24 FEBRUARY 2021

P.C. :-

None for the Petitioners.

2. This Petition was part of a group listed today which we have disposed of by an order which applies to the present Petition.

3. Heard learned Counsel for the parties.

4. The Petitioner had a lease for excavation of minor minerals on a piece of land situated in District Wardha. The lease has expired. The Petitioner had filed this Petition in respect of action / inaction of the Collector in respect of granting further lease. Petitioner also prayed that the Collector should grant permission to the Petitioner to mine the minor minerals on the land.

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5. The Petition was filed in the 2017 and was heard from time to time. On 24 October 2018, the Division Bench of this Court referred to an earlier order passed in Writ Petition No.5103 of 2018 which had noted that the State Government is formulating a policy of open auction. Today, when the matter is called out, the learned Additional Government Pleader places on record a Government Resolution dated 23 January 2019 wherein the policy of open auction is laid down. This policy is not under challenge in this Petition.

6. The position thus is that the Petitioner's lease is expired and Petitioner desirous of renewal of his lease or grant of new lease. This will have to be considered in the light of the policy and position in law that exists today contained in the Government Resolution dated 23 January 2019.

7. We dispose of the Writ Petition by permitting the Petitioner to make a representation to the Collector, which representation will be decided by the Collector taking into consideration the legal position and the policy / regulation contained in the Government Resolution dated 23 January 2019 and a reasoned order be passed thereupon.

8. The Writ Petition is accordingly disposed of.

(ANIL S. KILOR, J) (NITIN JAMDAR, J)

MP Deshpande

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