

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

WRIT PETITION NO. 4386/2017.

Aftab Khan Ajmat Khan, Nagpur.

-VERSUS-

State of Maharashtra and another.

WRIT PETITION NO. 4387/2017.

Raju Laxmanrao Patlewar, Nagpur

-VERSUS-

State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.

DATE : AUGUST 07, 2017.

Heard Shri T.H. Bewali, learned Counsel
for the petitioners and Shri D.P. Thakare and Mrs. K.S.
Joshi, learned A.G.Ps, for respondents.

2. This Court has issued notice in the matters
on 11.07.2017. Learned A.G.Ps, are seeking time as
instructions are still awaited. They further point out
that remedy of filing Appeal under Section 247 of the
Maharashtra Land Revenue Code is available to
petitioners.

3. Learned counsel for petitioners does not
dispute availability of remedy of filing appeal,

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however, only grievance of petitioners is, quantity of sand should have been measured first and thereafter the Tahsildar should have proceeded further. To show bonafides, petitioners have also offered to deposit amount of penalty imposed by the Tahsildar, without prejudice to their rights.

4. Learned A.G.Ps., are opposing any intervention by this Court.

5. In this situation, we direct petitioners to deposit the penalty amount of Rs. 52,000/- each with the office of the Tahsildar, Paoni within a period of one week. The said deposit shall be without prejudice to the right and contention of petitioners.

6. If the amount is so deposited, the office of the Tahsildar shall in presence of independent panchas and petitioners, measure the sand stored in subject Trucks bearing Nos. MH36-F-2468 and MH-40-AK-6270, within next two days.

7. After the sand quantity is measured, it will be open to the Tahsildar to pass further appropriate orders in the matter. If the petitioners are not satisfied with the measurement, it will be open for them to challenge the order of the Tahsildar, before Appellate Forum.

Order

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8. Writ Petitions are accordingly disposed of.

No costs.

JUDGE

JUDGE

Rgd.