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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.107 OF 2019

Pramod Kailas Patil,
Age: 31 years, occu: Business,
R/o. Parsdeshi Pura, Behind JPN Hospital,
At Nandurabar, Tal. & Dist. Nandurbar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32

2. The Collector, Dhule,
Dist. Dhule

3. Sub Divisional Officer,
Dhule, Dist. Dhule

4. The Deputy Tahasildar, Pimpalner,
Tal. Sakri, Dist. Dhule

..RESPONDENTS

Mr R. N. Jain, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 25th February, 2019

ORAL ORDER:

Heard learned Counsel for the petitioner.

2. The petitioner is before this Court challenging the order/notice dated 29th November, 2018. The notice was issued to the respondents by this Court on 4th January, 2019. On perusal of the documents placed on record,

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it reveals that panchnama was drawn on 29th November, 2018 on account of unloading of the sand quantity at a place, namely, Suman Nagar, Plot No.35/B. On an enquiry with the driver, he failed to provide any details of the vehicle owner or his whereabouts. The statement of a person, namely, Sunil Popat Nyahalde is also recorded. In his statement, he states that as he was in need of sand quantity for repairs work of his washroom, sand was unloaded on the spot. He further submitted in his statement that he is unaware of the formality of the requisites of the royalty pass or the permit.

3. On 29th November, 2018, a notice was issued to Sunil Nyahalde and it is stated that Mr Sunil Nyahalde could not provide the satisfactory details in respect of the sand quantity and as such, he faced with a notice of penalty for storage of the sand quantity illegally.

4. In the petition, a statement is made in para 1 that the petitioner is the owner of the vehicle used for excavation/removal of brass of sand. Except this statement, no documents are placed on record to show that the petitioner is the owner of the said vehicle.

5. In response to notice, an affidavit-in-reply is filed through one Nareshkumar Tukaram Bahiram, Additional Tahasildar, Pimpalner. A specific statement is made in the affidavit-in-reply that for collecting information about the owner of the said vehicle, respondent No.4 issued a

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letter dated 29th November, 2018 to the Deputy Regional Transport Officer, Nandurbar as well as Regional Transport Officer, Dhule, but till date of filing reply the details of ownership of said vehicle were not received.

6. Learned Counsel for the petitioner submitted before us that the petitioner is possessing the requisite documents to show the ownership of the vehicle in the form of registration certificate.

7. In view of above referred facts, we are of the opinion that the petition can be disposed of with directions, firstly, to the petitioner to approach respondent No.4 - Deputy Tahasildar, Pimpalner, Tq. Sakri, Dist. Dhule with an application for release of the vehicle along with copies of necessary documents i.e. registration certificate, etc. The petitioner may present the original documents for perusal of the authority, if the authority asks the petitioner for presentation of these documents for its satisfaction. The application be submitted to respondent No.4 within one week from today. Respondent No.4, on his satisfaction, to pass appropriate orders on an application seeking release of the vehicle within a period of two weeks from today.

With the aforesaid observations/directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk