

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

125 WRIT PETITION NO.10528 OF 2019

NURODDIN NAIMODDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Thorat Nanabhau R
AGP for Respondents State: Mr V M Kagne

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 16th September, 2019

ORDER:

1. The petitioner, by filing this petition, has abused the process of law and the Court.

2. One person, namely Shaikh Nasruddin Skahik Salim has already filed an Appeal before the Sub Divisional Officer for release of the same vehicle for which the present petition is filed by the petitioner. Mr. Thorat, the learned counsel for the petitioner submits that this petition is filed by the petitioner with consent of Shaikh Nasruddin Skahik Salim. This would depict that the petitioner has suppressed the fact of filing of appeal by Shaikh Nasruddin Skahik Salim before the Sub Divisional Officer. He has also availed the remedy of appeal.

3. On one hand the petitioner says that he has deposited Rs.1,11,034/- and in the appeal it is stated

that Shaikh Nasruddin Skahik Salim has deposited an amount of Rs.1,11,034/-

4. The petition deserves to be dismissed with cost on the sole ground of suppression of fact and misleading the Court. This for the second time, the vehicle has been seized for illegal act of transportation of sand.

5. As the petitioner says that the present petition was filed with consent of Shaikh Nasruddin Skahik Salim, the petitioner was aware of the appeal filed by Shaikh Nasruddin Skahik Salim. In all fairness, this fact ought to have been disclosed by the petitioner in this petition. It is only after the affidavit is filed by the State, this fact came to the light.

6. In light of above, we dismiss the petition with cost.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC