

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

CRIMINAL WRIT PETITION (CWP) NO. 1064 OF 2018

(Rupesh Shankarrao Ambatkar vs. State of Maharashtra thr. Collector, Chandrapur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.S. Dhawas, Advocate for the petitioner.
Shri S.A. Ashirgade, APP for the respondents.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
JULY 01, 2019.**

Heard.

The order impugned in this petition dated 16.03.2018 is issued by the Tahsildar, Mul, imposing fine upon Sonu Singh, resident of Chandrapur, showing him as owner of Truck No. MH-34/ AB-7776, which was found involved in illegal transportation of sand weighing 3 brass. From the impugned order, it is noted that name of Sonu Singh is stated by the vehicle driver who was intercepted and accordingly revenue authorities have issued notice in the name of Sonu Singh, however, he did not remain present.

According to the petitioner, he is the owner of above numbered vehicle and, therefore,

before imposing penalty with reference to the vehicle owned by him, he should have been given opportunity of hearing.

From the facts stated above, it is noted that on the basis of information supplied by the truck driver, notice was issued by the Tahsildar, Mul, to Sonu Singh as he was informed to be the owner of said truck. A perusal of registration particulars above reveal that the petitioner is the subsequent owner of the vehicle which was earlier registered in the name of Chandrashekhar Dadaji Ambatkar.

In that view of the matter, without expressing anything on merits, we dispose of the Criminal Writ Petition with directions to respondent No. 2 to issue notice to the petitioner returnable on 08.07.2019 and on hearing petitioner pass order afresh. In the event appeal is filed against said order, appellate authority to decide the same expeditiously.

Needless to say that, the petitioner shall appear before respondent No. 2 on 08.07.2019.

JUDGE

JUDGE

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