

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

910 WRIT PETITION NO.8924 OF 2021

DHULE ZILLA WALU VAHATUKDAR SANGHATNA, DHULE
THROUGH ITS PRESIDENT ASHOK SHALIGRAM DEORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. N. L. Chaudhari.
AGP for Respondent/State: Mr. A. R. Kale.
...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 25th November, 2021.

P.C.:

. Heard Mr. Chaudhari, learned counsel for petitioner.

2 The learned counsel submits that the petitioners are the owners of Haiva trucks and tippers. They are made only for carriage of minor minerals. The other trucks / lorries owners are also carrying on the business of transportation of minor minerals. The same be prohibited. Those trucks can do other businesses also.

3 The learned AGP placed reliance on the order dated 3rd September, 2021 in Writ Petition No.6422 of 2021 with connected writ petition, to submit that this Court had observed that there are no restrictions for the trucks to transport the sand from the depot onwards.

4 We have considered the submissions.

5 Under the order dated 3rd September, 2021 in Writ Petition No.6422 of 2021, we had observed in paragraphs 4 and 5 as under:

“4. The restriction to transport the sand through heavy vehicles is from riverbed to depot. Certainly the petitioners are not entitled to use heavy vehicles for transport of sand from riverbed to depot. However, no further restrictions are there for transportation of sand from depot onwards. The restrained place under the impugned communication certainly would be excessive and erroneous. It appears that the impugned letters have already been stayed by the subsequent letters. Be that as it may.

5. As there are no rules, regulations or instructions prohibiting transportation of sand via heavy vehicles from depot onwards, the impugned letters are set aside.”

6 In view of that and in absence of any rules, regulations to that effect, the prayer clauses (A) and (B) cannot be considered.

7 Mr. Chaudhari, learned counsel submits that the petitioner has given representation to the Government to take appropriate steps in that regard.

8 If the petitioner has given any representation, naturally the same would be considered by the competent authority on its own merits.

9 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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