

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 1099/2021

Buddhu s/o Jumma Gawali
..VS..
State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. T. H. Bewali, Advocate for the petitioner
Ms. Tajwar Khan, AGP for respondent nos. 1 to 3/ State

CORAM : AVINASH G. GHAROTE, J.

DATED : 30/11/2021

Shri Bewali, learned Counsel for the petitioner, challenges the order dated 15.06.2019 passed by the learned Tehsildar, Lonar/respondent no. 3, on the ground that though, it has been stated therein that the petitioner was transporting one brass of sand without a royalty pass, in fact, the royalty pass was available but was not taken into consideration.

2. The learned AGP does not dispute the royalty pass dated 11.06.2019 for transportation of one brass of sand, however, according to her contention, this was utilized by the petitioner and on the second occasion when the same royalty pass was used for transportation of another brass of sand, the vehicle of the petitioner was apprehended.

3. It is, however, material to note that, the show cause notice dated 11.06.2019 and the impugned order dated 15.06.2019, do not advert to this position. The show cause notice, as well as, impugned order, are on a footing that the petitioner was not possessing any royalty pass at all. That being the position, considering that the petitioner was already issued a royalty pass on 11.06.2019 and the issuance of it, is not disputed by the respondents, the impugned order as well as show cause notice cannot be sustained. Accordingly, the same are quashed and set aside.

4. The petition is allowed in the above terms.

5. Seized vehicle of the petitioner be returned to the him.

JUDGE