

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

929 WRIT PETITION NO.443 OF 2022

**GOKULDAS VITHALDAS NAGRALE & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioners : Mr.C.R.Thorat
AGP for Respondent-State : Mr.A.R.Kale

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 11.01.2022

P.C. :

1] Mr.Thorat, learned counsel for the petitioners submits that only because route was changed for transportation, the penalty is imposed upon the petitioners and vehicle of the petitioners is seized. The petitioners have all valid documents for transportation of the sand.

2] We have heard learned AGP.

3] It appears that the petitioners had resorted to remedy of appeal before the Sub Divisional Officer. The Sub Divisional Officer remanded the matter to the Tahsildar. After remand, the Tahsildar again rejected the contention of the petitioners and imposed penalty. The petitioners have already resorted to remedy of appeal. In view of that, the petitioners may file an appeal before the Sub Divisional

Officer against the order of imposition of penalty and seizure of vehicle. In case the petitioners file an appeal and application for release of vehicle, the same shall be dealt with by the authority and pass the orders on its own merits in accordance with law, preferably within one month from the date of filing of the appeal.

4] Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC