

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

**906 WRIT PETITION NO.8677 OF 2022**

**BIBISHAN BABAN JAGTAP  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND  
OTHERS**

...  
Advocate for Petitioner: Mrs. Bharati B. Gunjal  
AGP for Respondent/State: Mr. S. G. Sangle  
...

**CORAM: RAVINDRA V. GHUGE  
AND  
ARUN R. PEDNEKER, JJ.**

**DATE: 23<sup>rd</sup> AUGUST, 2022**

**PER COURT:**

1. The Petitioner has put-forth prayer clause 'B' and 'C', as under:-

"B] By issuing appropriate writ or direction in like nature the show cause Notice issued by the Respondent No.4 (i.e. Tahasildar Badnapur) on 6-7-2022 may kindly be quashed and set aside.  
Exh."E"

C] By issuing appropriate writ or direction in like nature the Respondent

No.6 be directed to release the Tractor with Trolley MH No.21BF3012 to the Petitioner immediately."

2. The Petitioner has already approached the Tahsildar vide an application dated 18.07.2022. The said application is pending. This Petition has been filed on 17.08.2022 which is after around 30 days from the lodging of the application before the Tahsildar.

3. The learned Advocate for the Petitioner submits that the Petitioner is willing to abide by the conditions as may be imposed by the Tahsildar and seek release of the Tractor which was used for transporting excavated sand.

4. The learned AGP submits that if the Petitioner appears before the Tahsildar / Respondent No.4 on 29.08.2022 at 12:00 noon, the said authority would commence the hearing and pass appropriate orders in accordance with law.

5. In view of the above, this Petition is disposed off. The Petitioner shall appear before Respondent No.4 on 29.08.2022 at 12:00 noon and participate in the hearing. The Petitioner would abide by the further dates on which the matter may be posted.

6. Respondent No. 4 would conclude the said proceedings and pass an appropriate order, on or before 30.09.2022.

7. Needless to state, we have not expressed any opinion as regards the merits of the claim of the Petitioner.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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