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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.8422 OF 2022

Suraj S. Shelke

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.Abhijit P. Kulkarni for the Petitioner.

Mr.Rajan S. Pawar, AGP for the State – Respondents.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 19TH JULY, 2022.

P.C. :-

1. Rule. Mr.Pawar, learned AGP waives service for the respondents. Rule returnable forthwith.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of certiorari for quashing and setting aside the notice dated 19th April, 2022 issued by the respondent no.4 and seeks release of vehicle Truck bearing No.MH-06 AQ-9296 attached pursuant to the order of the respondent no.4.
3. In pursuance to the order dated 15th July, 2022 passed by this Court directing learned AGP to verify whether the report dated 24th May, 2022 of the District Mining Officer stating that the receipts

for transportation of sand by the petitioner is in conformity with the corresponding entries in the Government records and if the same is in conformity with the report as to when the vehicle Truck bearing No.MH-06 AQ-9296 would be released by the respondents. Mr.Pawar, learned AGP on instructions states that the petitioner had permits to transport the sand. Statement is accepted.

4. In our view, since the petitioner had permit to transport the sand, the respondent no.4 could not have passed the order for confiscation of vehicle Truck bearing No.MH-06 AQ-9296.

5. We accordingly quash and set aside the notice dated 19th April, 2022 issued by the respondent no.4 and direct the respondent nos.4 and 5 to release the vehicle truck described in prayer clause (d) of the writ petition within three days from the date of communication of this order.

6. The writ petition is allowed in aforesaid terms. Rule is made absolute accordingly.

7. All the parties to act on the authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)